

STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES

Matt Blunt, Governor • Doyle Childers, Director

www.dnr.mo.gov

OCT 16 2008

Mr. Tom Smith
Greenleaf, L.L.C.
13960 Palm Road
Neosho, MO 64850

**RE: Amendment to Letter Dated July 7, 2008,
Regarding Greenleaf Notice of Violation #5586E**

Dear Mr. Smith:

During a review of documents related to Greenleaf, L.L.C. (Greenleaf), I realized that an incorrect site inspection date was used in previous correspondence dated July 7, 2008. Please replace that correspondence with the enclosed amended versions.

If you have questions, please contact me, Ms. Candace Bias, by telephone at (573) 751-3465, or by mail at the Missouri Department of Natural Resources, Hazardous Waste Program, Compliance and Enforcement Section, P.O. Box 176, Jefferson City, Missouri 65102-0176.

Sincerely,

HAZARDOUS WASTE PROGRAM



Candace Bias
Environmental Specialist III
Compliance and Enforcement Section

CB:ml

Enclosures

c: Mr. Paul Bailey, Missouri Department of
Agriculture, Bureau of Pesticide
Ms. Beth Koesterer, EPA Region 7
Southwest Regional Office
Ms. Mary Jane Wingett, EPA

STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES

Matt Blunt, Governor • Doyle Childers, Director

www.dnr.mo.gov

AMENDED MEMORANDUM

DATE: **OCT 16 2008**

TO: Hazardous Waste Enforcement File
Greenleaf, L.L.C.
Neosho, Missouri
EPA #MOR000526152

FROM: Candace Bias *CB*
Hazardous Waste Enforcement Unit
Hazardous Waste Program

SUBJECT: Site Visit – Greenleaf, L.L.C.
Neosho, Newton County, Missouri

On May 12, 2008, Mr. David Allison of the Missouri Department of Natural Resources' Southwest Regional Office and I visited Greenleaf, L.L.C. (Greenleaf), located at 13960 Palm Road in Neosho, Missouri. On April 21 – 22, 2008, the Missouri Department of Agriculture (MDA) inspected both Greenleaf facilities. MDA could not locate ten of the pesticides that had been placed under a Stop Sale, Use, or Removal Order (SSURO) during their last inspection and Greenleaf had started operating at their Pineville location. Due to the changing conditions, the department decided to visit the site.

We spoke with Mr. Ralph Kunz, Plant Manager, and explained that the purpose of our visit was to evaluate Greenleaf's current compliance with hazardous waste laws and regulations. Mr. Kunz explained that he began working for Greenleaf on February 18, 2008. We walked around the showroom and the area behind the showroom of Building 1 (see photograph). It seemed to be in much better order than our last visit and there was less stored in the building. Gaylord boxes were stacked three high to the ceiling on shelving units. There was adequate aisle space to observe boxes at eye level. In multiple boxes I observed pesticide spills and the mixing of spilled pesticides. Many of the boxes contained Sevin insecticide which has the active ingredient carbaryl. I also identified canisters of Sevin that had spilled during storage and were empty. Carbaryl is a U279 listed hazardous waste. These wastes were not properly managed, labeled, or containerized as a hazardous waste. I also observed some dry spills on the floor and shelving (see photographs).

Next we went into the pesticide production room of Building 1. The SSURO items had been moved from the back of the show room to the pesticide production room in Building 1. The pesticides were marked and cordoned off with tape. I asked Mr. Kunz if he had found the SSURO pesticides that were discovered missing during the last MDA inspection. He attributed their disappearance to the fact that the SSURO pesticides had been moved multiple times. Mr. Kunz thought that they were still on site but he was waiting for a list of the items from the MDA. The Gaylord boxes containing pesticides that were under the SSURO appeared to be from more than one source. Because a single specific pesticide source could not be identified

for each box, prior to disposal the waste would need to be characterized by testing rather than generator knowledge. The large bins of granular material that were under the SSURO were still present; however the two fertilizer bins not under a SSURO were now empty. Spills of dry, granular material on the floor and on pallets were also common (see photographs).

We then headed to Building 2. The 55-gallon drums of liquid had been moved to the northeast corner of the building. One of the drums was labeled with black marker, "Ready to Use" and another drum was labeled, "Weed Killer." I could not visually inspect every 55-gallon drum due to inadequate aisle space. There were several boxes of small liquid containers near the drums. Many of the containers appeared damaged. A few of the leaking containers had been placed in zipper type plastic bags (see photographs).

Nearby there were aerosol cans in boxes along with liquid containers. I observed that many of the aerosol cans were missing their spray caps or felt empty (see photographs). Mr. Kunz informed us that more liquid containers had been stored outside in a trailer. I then walked through the rest of Building 2. The west side of the building was packed and did not have adequate aisle space to do a proper inspection. Most of the items on the west side of the building appeared to be dry, bagged pesticides. Spills had not been cleaned up (see photographs). Along the west wall of Building 2 I observed three Gaylord boxes that had been spray painted with the words "FREE PEST" (see photograph). It was evident that the boxes had been labeled by Greenleaf because similar writing appeared on boxes in Building 1 placed under the SSURO. Mr. Kunz did not know why they had been labeled that way.

We then walked through Building 3 and viewed the debagging of potting soil at the far west of the property. The items in Building 3 appeared to be mostly potting soil and charcoal. I observed one bag of pesticides on a pallet. Mr. Kunz stated that they had tried to remove all the pesticides from the building. The dumpster in the building did not contain pesticides.

Finally, we looked at the items stored in the storage trailer. The boxes were in disarray and there was no aisle space (see photograph). We did not enter the trailer and were unable to visually observe its contents. Mr. Kunz told us that they had moved these items into the trailer to relieve some of the congestion in Building 2.

Pineville

Mr. Allison and I continued to the Greenleaf facility located at South Business Highway 71, Pineville, Missouri. We met with Mr. Robert Applegarth in his office. Mr. Applegarth now works solely at the Pineville facility. When asked, he told us that they have four fulltime workers. He stated that all the material they have on site came from the Neosho facility. He informed us that the bagging equipment was now operational. He plans to start bagging potting soil and charcoal once the bags ordered from Triple S Solutions arrive. Greenleaf's Pineville location ordered 10,000 bags for charcoal and 10,000 bags for potting soil with the Greenleaf name. The bagged items were to be sold at gas stations.

Mr. Applegarth stated that no pesticide production is done at the facility. He explained that they remove fertilizers, potting soil, and charcoal from the Gaylord boxes and leave the rest. They then manage the items they removed from the boxes for re-bagging and resale.

Hazardous Waste Enforcement File
Greenleaf, L.L.C.
EPA ID #MOR000526152
Page Three

Next we entered the operations area of the warehouse. A strong smell of ammonia was emanating from the southwest corner of the building. Mr. Applegarth speculated that the smell was the result of fertilizer getting wet. He told us that the MDA inspectors had informed him that one of the pesticides for killing moles would produce a hazardous gas if it became wet. I identified two pesticides that had zinc phosphide as the sole active ingredient, *Sweeney's Poison Peanuts Mole and Gopher Bait* and *Grant's Sure Stop Gopher Killer Pellets* (see photograph). Zinc phosphide is a U249 listed hazardous waste. These wastes were not properly managed, labeled, or containerized as a hazardous waste.

Employees in the warehouse were sorting the contents of Gaylord boxes. The warehouse appeared to be loosely organized, with pesticides haphazardly segregated in the southwest corner of the building. Spilled materials were everywhere (see photographs). Boxes and their contents were in poor, deteriorated condition due to previous exposure to the outside elements (see photographs).

At several locations, I identified dry *Garden Tech's Sevin-5* in both the bag and canister (see photographs). Sevin is a pesticide that contains carbaryl as the sole active ingredient. Carbaryl is a listed hazardous waste. These wastes were not properly managed, labeled, or containerized as a hazardous waste.

Mr. Applegarth told us that employees sweep all floor sweepings into large super sacks. He estimated that they have four or five super sacks with floor sweepings already. The floor sweepings that I observed were not homogeneous and appeared to be from multiple sources (see photograph).

CB:ml

Attachment

- c: Mr. Paul Bailey, Missouri Department of Agriculture,
Bureau of Pesticide
Hazardous Waste Program, Enforcement Unit
Ms. Beth Koesterer, U.S. Environmental Protection
Agency, Region 7
Solid Waste Management Program
Ms. Mary Jane Wingett, U.S. Environmental Protection
Agency Region 7



Matt Blunt, Governor • Doyle Childers, Director

DEPARTMENT OF NATURAL RESOURCES

www.dnr.mo.gov

AMENDED LETTER AND ENCLOSURES

OCT 16 2008

CERTIFIED MAIL – 7001 2510 0005 3344 2890
RETURN RECEIPT REQUESTED

Mr. Tom Smith
Greenleaf, L.L.C.
13960 Palm Road
Neosho, MO 64850

NOTICE OF VIOLATION #5586E

Dear Mr. Smith:

On May 12, 2008, representatives of the Missouri Department of Natural Resources' Southwest Regional Office and the department's Hazardous Waste Program, conducted a site visit to evaluate concerns with the management and storage of agricultural chemicals at Greenleaf, L.L.C. (Greenleaf), facilities located at 13960 Palm Road in Neosho, Missouri, and South Business Highway 71 in Pineville, Missouri. As a result of the inspection, violations of Missouri Hazardous Waste Laws and Regulations were identified. Due to violations found at the Pineville facility, Notice of Violation (NOV) #5586E is being issued to Greenleaf. A detailed explanation of the violations identified and the site visit memo are enclosed.

Violations noted previously at Greenleaf's Neosho facility continue, although some improvements in organization at the facility have been made. An NOV for the Neosho facility will not be issued at this time regarding these outstanding violations. The department hopes that the Site Action Plan submitted by EQ Environmental will return the facilities to compliance.

Within 15 days of receipt of this letter, a written response to each violation listed on the enclosed NOV, is to be submitted to the Missouri Department of Natural Resources, Hazardous Waste Program, Compliance and Enforcement Section, P.O. Box 176, Jefferson City, Missouri 65102-0176. The response is to be very specific and provide a detailed account of the actions to be taken or provide the documentation necessary to comply with the required action. The response should also outline what changes have been implemented to ensure that future operations are in compliance with environmental laws and regulations.

Due to the serious nature of the violations identified during the inspection of the Pineville facility, these matters have been referred to the department's Hazardous Waste Program, Compliance and Enforcement Section for evaluation and resolution.



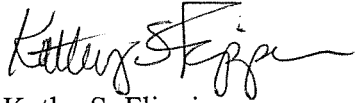
Recycled Paper

Mr. Tom Smith
Page Two

If you have questions, or wish to discuss what enforcement action may be taken, please contact Ms. Candace Bias by telephone at (573) 751-3465, or by mail at the Missouri Department of Natural Resources, Hazardous Waste Program, Compliance and Enforcement Section, P.O. Box 176, Jefferson City, Missouri 65102-0176. Violations noted previously at Greenleaf's Neosho facility continue, although some improvements in organization at the facility have been made. The department hopes that the Site Action Plan submitted by EQ Environmental will return the facilities to compliance.

Sincerely,

HAZARDOUS WASTE PROGRAM

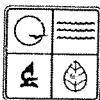


Kathy S. Flippin
Chief
Compliance and Enforcement Section

KSF:cbm

Enclosures

- c: Mr. Paul Bailey, Missouri Department of
Agriculture, Bureau of Pesticide
Ms. Beth Koesterer, EPA Region 7
Southwest Regional Office
Ms. Mary Jane Wingett, EPA



STATE OF MISSOURI
MISSOURI DEPARTMENT OF NATURAL RESOURCES
**NOTICE OF VIOLATION PURSUANT TO REQUIREMENTS OF THE MISSOURI
HAZARDOUS WASTE MANAGEMENT LAW, RULES AND REGULATIONS**

FACILITY NAME Greenleaf, L.L.C.			NOTICE OF VIOLATION NUMBER 5586E	
ADDRESS South Business Highway 71		CITY Pineville	STATE MO	ZIP CODE 64856
EPA ID NUMBER NONE	MISSOURI ID NUMBER NONE		DATE OF INSPECTION May 12, 2008 (AMENDED VERSION)	

During an inspection and/or a review of information or documentation completed this date to determine compliance with the requirements of the Missouri Hazardous Waste Management Law, Sections 260.350-260.550, RSMo and/or the Rules and Regulations at 10 CSR 25, the following violations were identified. The 40/49 CFR regulations cited below have been adopted by reference in the Missouri Hazardous Waste Regulations.

CITATION	DESCRIPTION OF VIOLATION
10 Code of State Regulations (CSR) 25-5.262(1) incorporating 40 Code of Federal Regulations (CFR) 262.11	Failure of a generator of a solid waste to determine if that waste is a hazardous waste.
Section 260.390.1(1) Revised Statutes of Missouri (RSMo)	Operation as a treatment/storage or disposal facility without prior approval from the department.
Section 260.380.1(1) RSMo and 10 CSR 25-5.262(2)(A)	Failure to register as a hazardous waste generator.
10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(1) referencing 40 CFR 265.171	Failure to store hazardous waste in containers in good condition.
10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(1) referencing 40 CFR 265.173(a)	Failure to keep containers of hazardous waste closed during storage.
10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(3)	Containers not marked "Hazardous Waste."
10 CSR 25-5.262(2)(C)1	Containers not packaged/labeled/marked per Missouri Department of Transportation (DOT) regulations during entire on site storage period.
10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(2)	Failure to include the beginning date of accumulation on containers of hazardous waste.
10 CSR 25-5.262(2)(C)2.C.(I) and (II) referencing 40 CFR 265.174.	Failure to inspect and maintain the facility weekly.
10 CSR 25-5.262(2)(C)2.C.(II)	Failure to conduct a daily inspection of areas subject to spills, i.e. waste handling areas.
10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(4) referencing 40 CFR 265.35	Failure to provide adequate aisle space.

This information is provided to call your attention to those areas of noncompliance at the earliest possible time. This notice does not constitute a compliance order issued pursuant to Section 260.410, RSMo and may not be a complete listing of all violations which may be identified as a result of this inspection.

The owner/operator is hereby requested to **submit in writing within 15 days of receipt of this notice** a description of all corrective actions taken and/or a schedule for completion of necessary corrective actions to be taken to: Ms. Kathy Flippin, Chief, Hazardous Waste Program, Enforcement Section, Department of Natural Resources, P.O. Box 176, Jefferson City, MO 65102-0176, with a copy to the Missouri Department of Natural Resources, Southwest Regional Office, 2040 West Woodland, Springfield 65807-5912. If you have any questions about this notice or wish to discuss your response, you may call me at (573) 751-3465.

Signature of Preparer: Candace Bias Date: OCT 16 2008

Printed Name of Preparer: Ms. Candace Bias

The undersigned person hereby acknowledges that he/she received a copy of this Notice and has read same.

SIGNATURE (PERSON RECEIVING NOTICE)

PRINTED NAME (PERSON RECEIVING NOTICE)

Mr. Tom Smith, Greenleaf, L.L.C.

Copy Sent via Certified Mail 7001 2510 0005 3344 2890

TITLE OR POSITION

DATE

OCT 16 2008

HAZARDOUS WASTE VIOLATIONS:

- 1) Failure of a generator of a solid waste to determine if that waste is a hazardous waste; 10 Code of State Regulations (CSR) 25-5.262(1) incorporating 40 Code of Federal Regulations (CFR) 262.11. The facility must use either knowledge of the waste or analytical testing to determine if the waste is hazardous and the correct disposal methods of wastes generated. The following materials are wastes that have not undergone an accurate determination: floor sweepings, spilled materials, aerosol cans, and waste pesticides.
- 2) Operation as a treatment/storage or disposal (TSD) facility without prior approval from the department; Section 260.390(1) Revised Statutes of Missouri (RSMo). Greenleaf in Pineville received hazardous waste (pesticides containing carbaryl, a U279 listed hazardous waste, and pesticides containing zinc phosphide, a U249 listed hazardous waste) from the Greenleaf facility in Neosho. The transfer of pesticides from Neosho to Pineville is operation of a TSD facility without a permit.
- 3) Failure to register as a hazardous waste generator; Section 260.380.1(1) RSMo. and 10 CSR 25-5.262(2)(A). The Missouri Hazardous Waste Management Law and regulations require anyone who generates a regulated quantity of hazardous waste to submit a notification form and to update it when there are changes. The Greenleaf facility in Pineville is a generator of hazardous waste in regulated quantities but is not currently registered as a hazardous waste generator.
- 4) Failure to store hazardous waste in containers in good condition; 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(1) referencing 40 CFR 265.171. If a container is noted to be in poor condition or begins to leak, the contents must be transferred to a container that is in good condition. Numerous boxes of hazardous waste pesticides were damaged and broken, including boxes which held U279 and U249 listed hazardous wastes.
- 5) Failure to keep containers of hazardous waste closed during storage; 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(1) referencing 40 CFR 265.173(a). All waste containers must be closed in such a way as to prevent spillage, minimize volatilization and minimize employee contact with the waste. Containers of Sevin, a pesticide with the sole active ingredient carbaryl (a U279 listed hazardous waste), were not closed. A container of Sweeney's Poison Peanuts Mole and Gopher Bait and Grant's Sure Stop Gopher Killer Pellets, which both contain the sole active ingredient zinc phosphide (a U249 listed hazardous waste), was not closed. This does not meet the definition of closed container.
- 6) Failure to clearly mark containers as hazardous waste; 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(3). The containers of U279 and U249 listed hazardous waste were not marked "Hazardous waste".
- 7) Failure to package/label/mark waste per Missouri Department of Transportation (DOT) regulations during the entire on site storage period; 10 CSR 25-5.262(2)(C)1. The containers of U279 and U249 listed hazardous waste were not labeled per DOT during the entire on site storage period.
- 8) Failure to include the beginning date of accumulation on containers of hazardous waste; 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(2). The beginning date of accumulation must be provided on all containers of hazardous waste during the entire on site storage period. The containers of U279 and U249 listed hazardous waste were not identified with a date of when it was determined to be wastes.

HAZARDOUS WASTE VIOLATIONS:

Page Two

- 9) Failure to inspect and maintain the facility (weekly); 10 CSR 25-5.262(2)(C)2.C.(I) and (II) referencing 40 CFR 265.174. The regulations require that the inspection identify the types of problems that are to be looked for, identify the person making the inspections, a notation of observations and the date of any repairs or remedial actions. Inspections were not done of waste storage areas at Greenleaf.
- 10) Failure to conduct a daily inspection of areas subject to spills, i.e. waste handling areas; 10 CSR 25-5.262(2)(C)2.C.(II). No daily inspections were being conducted and hazardous waste handling areas were not identified. Numerous spills were apparent throughout the facility and were not cleaned up. Spills that were cleaned up were aggregated into large super sacks without regard to the source of the spill.
- 11) Failure to provide adequate aisle space; 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(4) referencing 40 CFR 265.35. Hazardous waste must be stored so that there is adequate aisle space to allow the unobstructed movement of personnel and emergency equipment in and around the containers. The pallets, containers, and boxes were stored in such a manner as to obstruct the movement of personnel and emergency equipment.

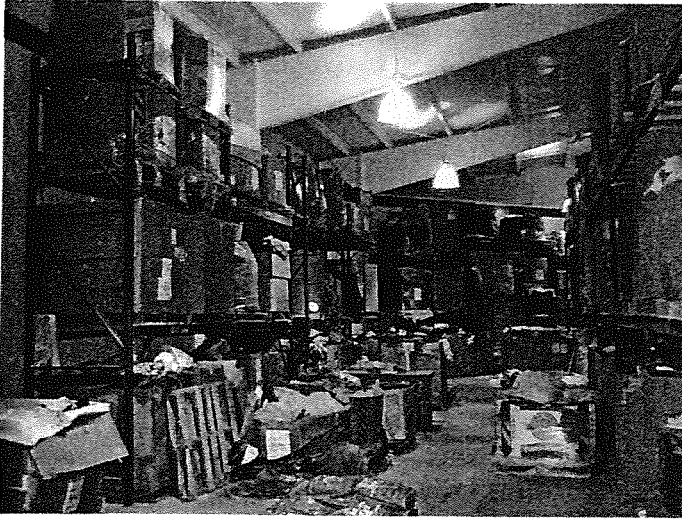
SUBMITTED BY:



Candace Bias
Environmental Specialist III
Enforcement Unit
Hazardous Waste Program

CB:ml

**Photographs for Site Memo
Greenleaf, L.L.C.
Neosho and Pineville, MO**



Date: May 12, 2008

Site: Greenleaf, L.L.C., Building 1

MOR000526152 and 042018

13960 Palm Road, Neosho, MO 64850

Photographer: Candace Bias

View of the area behind the show room. Gaylord boxes are stacked three high to the ceiling. The only boxes that could be observed were the ones at eye level.



Date: May 12, 2008

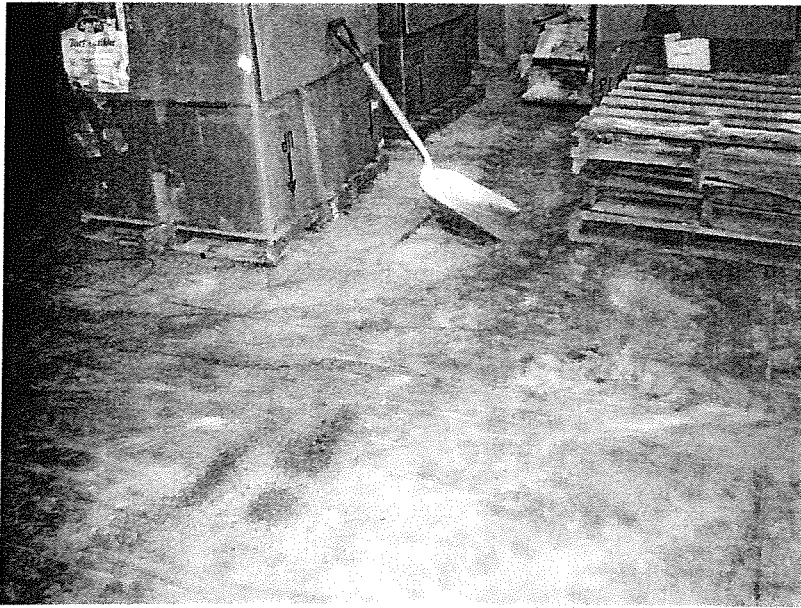
Site: Greenleaf, L.L.C., Building 1

MOR000526152 and 042018

13960 Palm Road, Neosho, MO 64850

Photographer: Candace Bias

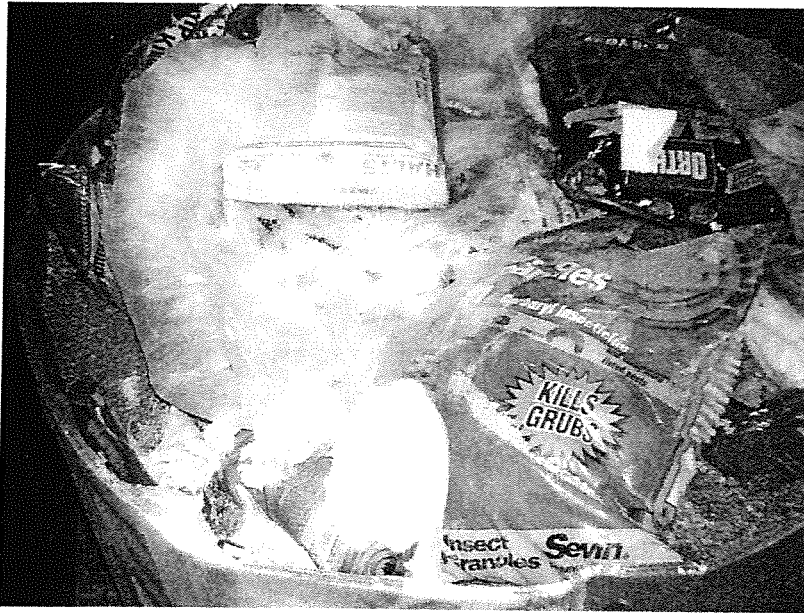
View of spilled pesticide in Building 1.



Date: May 12, 2008
Site: Greenleaf, L.L.C., Building 1
 MOR000526152 and 042018
 13960 Palm Road, Neosho, MO 64850
Photographer: Candace Bias
 View of spills on the floor of Building 1.



Date: May 12, 2008
Site: Greenleaf, L.L.C., Building 1
 MOR000526152 and 042018
 13960 Palm Road, Neosho, MO 64850
Photographer: Candace Bias
 View of the pesticide Sevin, containing the active ingredient carbaryl. Carbaryl is a U279 listed hazardous waste. This hazardous waste is not properly managed.



Date: May 12, 2008

Site: Greenleaf, L.L.C., Building 1

MOR000526152 and 042018

13960 Palm Road, Neosho, MO 64850

Photographer: Candace Bias

View of the pesticide Sevin, containing the active ingredient carbaryl. Carbaryl is a U279 listed hazardous waste. This hazardous waste is not properly managed.



Date: May 12, 2008

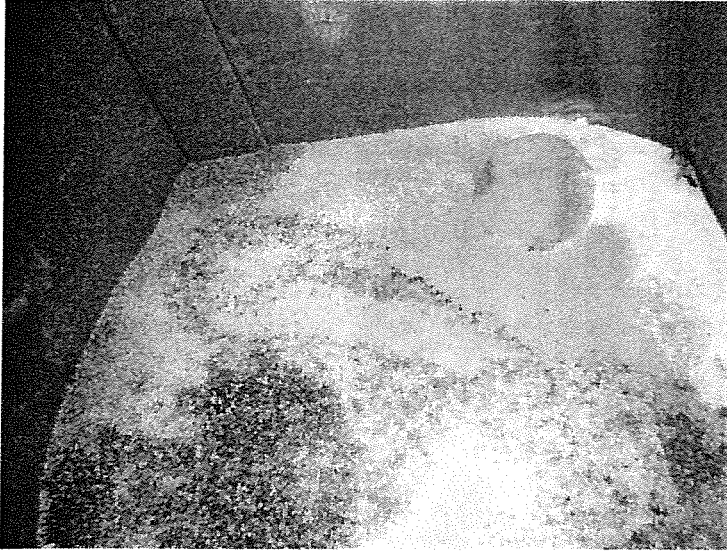
Site: Greenleaf, L.L.C., Building 1

MOR000526152 and 042018

13960 Palm Road, Neosho, MO 64850

Photographer: Candace Bias

View of Stop Sale, Use or Removal pesticides in Building 1.



Date: May 12, 2008

Site: Greenleaf, L.L.C., Building 1

MOR000526152 and 042018

13960 Palm Road, Neosho, MO 64850

Photographer: Candace Bias

View of Stop Sale, Use or Removal pesticides in Building 1. Note the coloration and grain size of the pesticides indicating that it is a mixture from several sources.



Date: May 12, 2008

Site: Greenleaf, L.L.C., Building 1

MOR000526152 and 042018

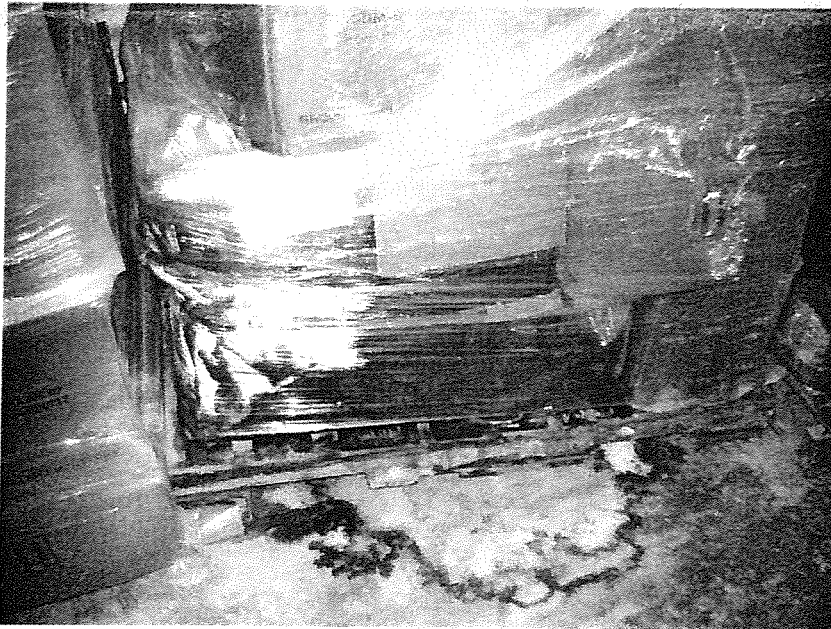
13960 Palm Road, Neosho, MO 64850

Photographer: Candace Bias

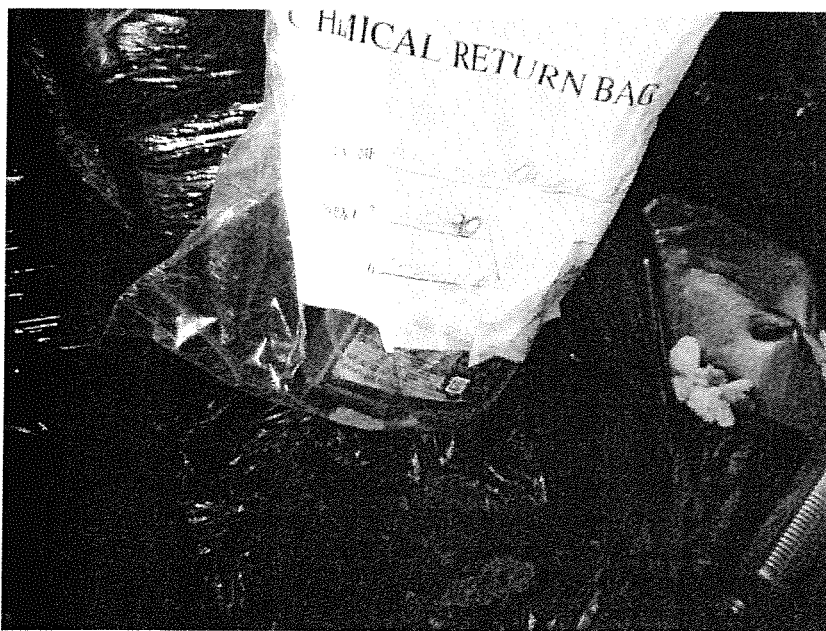
View of Stop Sale, Use or Removal pesticides in Building 1. The dry white powder and labeling as "5% Insect Dust" is consistent with the pesticide Sevin, containing the active ingredient carbaryl. Carbaryl is a U279 listed hazardous waste. This hazardous waste is not properly managed.



Date: May 12, 2008
Site: Greenleaf, L.L.C., Building 2
MOR000526152 and 042018
13960 Palm Road, Neosho, MO 64850
Photographer: Candace Bias
Drums of liquid in Building 2.



Date: May 12, 2008
Site: Greenleaf, L.L.C., Building 2
MOR000526152 and 042018
13960 Palm Road, Neosho, MO 64850
Photographer: Candace Bias
Evidence of spills from the liquid containers in Building 2. Note that the box at the bottom of the pallet is dark brown due to liquids soaking the box.



Date: May 12, 2008

Site: Greenleaf, L.L.C., Building 2

MOR000526152 and 042018

13960 Palm Road, Neosho, MO 64850

Photographer: Candace Bias

View of liquid pesticide in Building 2. Note that it is leaking and the bag is wet.



Date: May 12, 2008

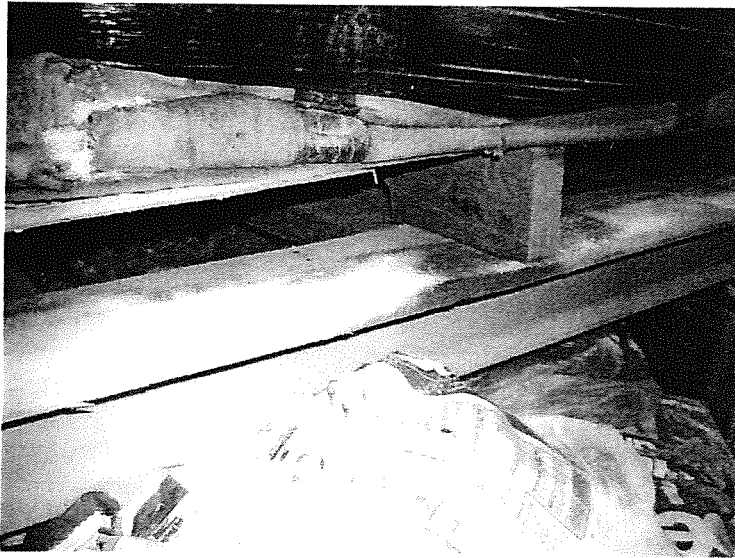
Site: Greenleaf, L.L.C., Building 2

MOR000526152 and 042018

13960 Palm Road, Neosho, MO 64850

Photographer: Candace Bias

View aerosol cans in Building 2.



Date: May 12, 2008

Site: Greenleaf, L.L.C., Building 2

MOR000526152 and 042018

13960 Palm Road, Neosho, MO 64850

Photographer: Candace Bias

View of dry spill on west side of Building 2. The dry white powder next to a bag of Sevin is likely Sevin pesticide, which is a listed hazardous waste when disposed.



Date: May 12, 2008

Site: Greenleaf, L.L.C., Building 2

MOR000526152 and 042018

13960 Palm Road, Neosho, MO 64850

Photographer: Candace Bias

View of boxes labeled "Free Pest" on the west side of Building 2. Note the inadequate aisle space.



Date: May 12, 2008

Site: Greenleaf, L.L.C.,
MOR000526152 and 042018
13960 Palm Road, Neosho, MO 64850

Photographer: Candace Bias

View of trailer in parking lot that contains pesticides removed from Building 2.

Greenleaf, Pineville



Date: May 12, 2008

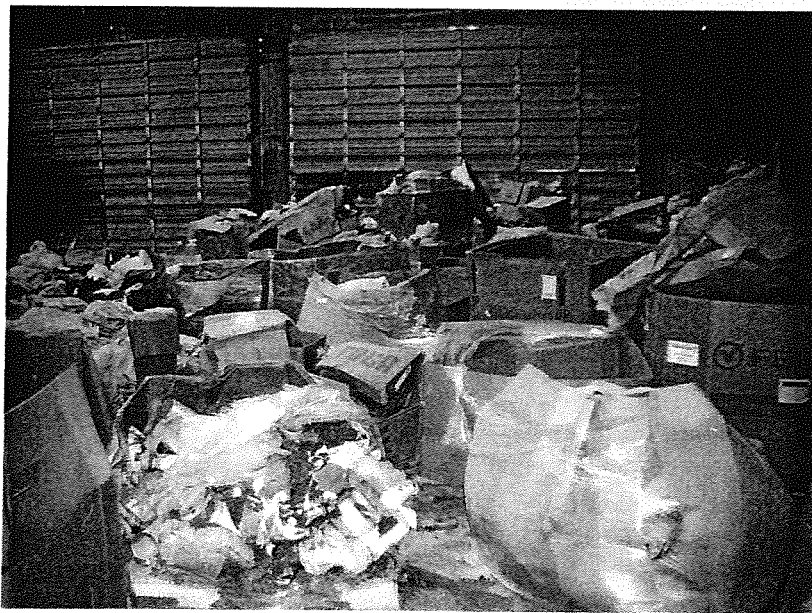
Site: Greenleaf, L.L.C.

South Business Highway 71

Pineville, Missouri

Photographer: Candace Bias

Overview of the facility.



Date: May 12, 2008

Site: Greenleaf, L.L.C.

South Business Highway 71

Pineville, Missouri

Photographer: Candace Bias

Overview of pesticide area. Note the damaged boxes and lack of organization.



Date: May 12, 2008

Site: Greenleaf, L.L.C.

South Business Highway 71

Pineville, Missouri

Photographer: Candace Bias

View of Sweeney's Poison Peanuts Mole and Gopher Bait and Grant's Sure Stop Gopher Killer Pellets. Both pesticides contain the active ingredient zinc phosphide, a U249 listed hazardous waste at this concentration. This hazardous waste is not properly managed. Zinc phosphide can also produce gas that is dangerous to humans if it becomes wet.



Date: May 12, 2008

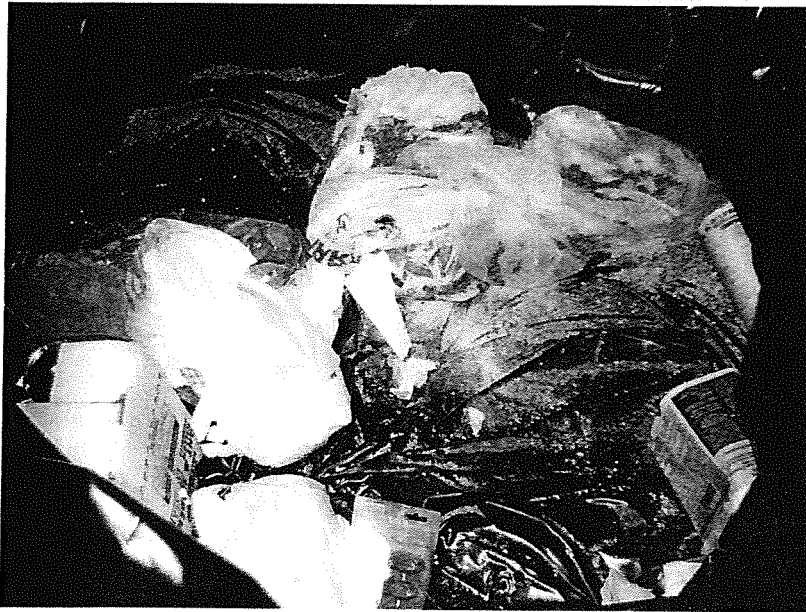
Site: Greenleaf, L.L.C.

South Business Highway 71

Pineville, Missouri

Photographer: Candace Bias

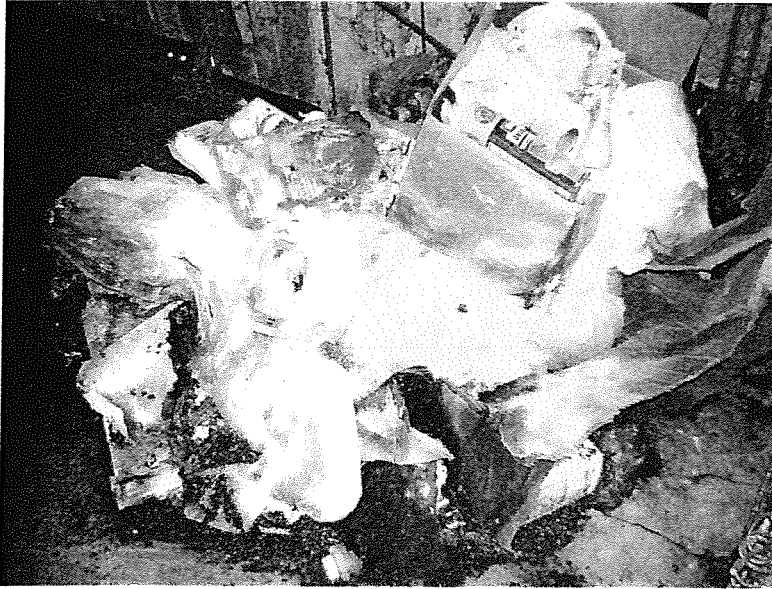
View of spills.



Date: May 12, 2008
Site: Greenleaf, L.L.C.
South Business Highway 71
Pineville, Missouri
Photographer: Candace Bias
View of spills and the mixing of pesticides in boxes.



Date: May 12, 2008
Site: Greenleaf, L.L.C.
South Business Highway 71
Pineville, Missouri
Photographer: Candace Bias
View of spills and mixing of pesticides in boxes.



Date: May 12, 2008

Site: Greenleaf, L.L.C.

South Business Highway 71

Pineville, Missouri

Photographer: Candace Bias

View of spills and box in poor condition due to exposure to the elements.



Date: May 12, 2008

Site: Greenleaf, L.L.C.

South Business Highway 71

Pineville, Missouri

Photographer: Candace Bias

View of spills and box in poor condition due to exposure to the elements.



Date: May 12, 2008

Site: Greenleaf, L.L.C.

South Business Highway 71

Pineville, Missouri

Photographer: Candace Bias

View of the pesticide Sevin, containing the active ingredient carbaryl. Carbaryl is a U279 listed hazardous waste. This hazardous waste is not properly managed.



Date: May 12, 2008

Site: Greenleaf, L.L.C.

South Business Highway 71

Pineville, Missouri

Photographer: Candace Bias

View of the pesticide Sevin, containing the active ingredient carbaryl. Carbaryl is a U279 listed hazardous waste. This hazardous waste is not properly managed.



Date: May 12, 2008

Site: Greenleaf, L.L.C.

South Business Highway 71

Pineville, Missouri

Photographer: Candace Bias

View of floor sweepings.



Jeremiah W. (Jay) Nixon, Governor • Mark N. Templeton, Director

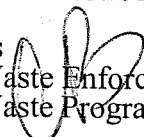
DEPARTMENT OF NATURAL RESOURCES

www.dnr.mo.gov

MEMORANDUM

DATE: August 13, 2008

TO: Hazardous Waste Enforcement File
Greenleaf, L.L.C.
Neosho, Missouri
EPA ID # MOR000526152

FROM: Candace Bias 
Hazardous Waste Enforcement Unit
Hazardous Waste Program

SUBJECT: Site Visit – Greenleaf, L.L.C.
Neosho, Newton County, Missouri

On July 9, 2008, I, Candace Bias, visited Greenleaf, L.L.C. (Greenleaf), located at 13960 Palm Road in Neosho, Missouri, to observe the cleanup progress. I met first with Mr. Larry Pedersen, incident commander for EQ Industrial Services, Incorporated. Mr. Pedersen explained to me that he had arrived at Greenleaf last Wednesday, July 2, 2008, to set up. The entire crew arrived to work at the site on Monday, July 7, 2009. He stated that he has 30 people working on the cleanup and will work on one site at a time. He planned to start scanning waste later in the day for packaging.

Mr. Pedersen explained the waste removal process. A crew of workers will unload pesticides, each pesticide will have its bar code scanned, and the scanner will identify if it is a hazardous waste, a regulated pesticide that is not a hazardous waste, or a non-regulated item. The wastes will then be placed into the appropriate cubic yard container that is color coded for its respective contents. One spray painted red circle for Resource Conservation and Recovery Act (RCRA) hazardous waste, one spray painted green circle for pesticide waste, and two green circles for non-regulated. Workers will regularly scan the bar code of two specified items (a hazardous waste pesticide and a non-regulated item) to ensure that the scanner is properly identifying the correct category of waste.

Mr. Pedersen explained that all solids are being packaged in cubic yard boxes. In the main store room of Building 1, he has set up three stations for scanning and packaging. He expects it to take two days to scan and package the wastes in the store room. Work will then commence in the storage area of Building 1. All the loose material that is left in the box after the bags of waste pesticides are removed, will be sent off site as hazardous waste. Floor sweepings will also go into cubic yard boxes and be sent off site as hazardous waste. He does not plan on testing these waste streams. The employees will be in level C personal protective equipment, including respirators. He plans on monitoring for dust due to the dusty nature of the pesticides.

In Building 2 there are both liquid and dry pesticides. In two areas, pallets of boxes had turned over. Mr. Pedersen stated that the pallets must have moved during the previous evening. He stated that he would instruct employees to pick up the pallets as soon as possible. Because there is less room in the building, work tables may be set up outdoors at the end of the building until enough waste is removed to move the work tables indoors. Mr. Pedersen explained that they have purchased 500 boxes and liners and an additional 500 liners for the boxes so that the liquids will be transported in double lined boxes. All solids will be separated from liquids in transport.



Recycled Paper

Hazardous Waste Enforcement File
Greenleaf, L.L.C.
EPA ID #MOR000526152
Page Two

He expects that they will be finished with Building 2 in approximately one week. There are 39 drums on site. Mr. Pedersen stated that they will probably transfer all liquids that are already in drums into new U.S. Department of Transportation (USDOT) compliant drums. Individual, consumer-sized pesticides that are not leaking will be placed into double lined cubic yard boxes. Individual, consumer-sized pesticides that are leaking will be placed into drums. Any transfer of liquids will be performed in a bermed staging area.

In Building 3, Mr. Pedersen reports that there is mainly potting soil, kitty litter, and seed. I did notice that there were some pesticides stored on the far west of Building 3. It was raining while I was on site, and I expressed my concern to Mr. Pedersen that the pesticides were close to the edge of the open end of the building and may become exposed to rain. Mr. Pedersen indicated that he would have employees move the pesticides further to the center of the building. He stated that they would also look at the waste that was placed in the dumpsters in Building 3 by Greenleaf before they processed the building. He plans to set up five scanners in Building 3 because he will have ample room. They will work on the wastes stored outdoors first and then the wastes stored in the building. Non-RCRA and non-pesticide waste such as potting soil, kitty litter, and charcoal, will be placed in a dumpster for disposal at the landfill.

He estimated that the cleanup of the entire Neosho site would be completed by the middle to the end of next week, July 14 – 18, 2009. We returned to the office and I reviewed the contingency plan and the personnel training records. The employees were now set up to work using the scanners. They filled approximately three cubic yard boxes of RCRA wastes. The employee would scan a "cheat sheet" of bar codes rather than each package. After the fourth box was partially filled, the supervisor of the front crew realized that they had placed non-RCRA pesticides (ant, flea, and tick pesticide containing permethrin), into the RCRA box because they were red bags that are similar to a hazardous waste pesticide. He halted work and had employees remove the bags. Employees then took a break and did not continue working while I was on site.

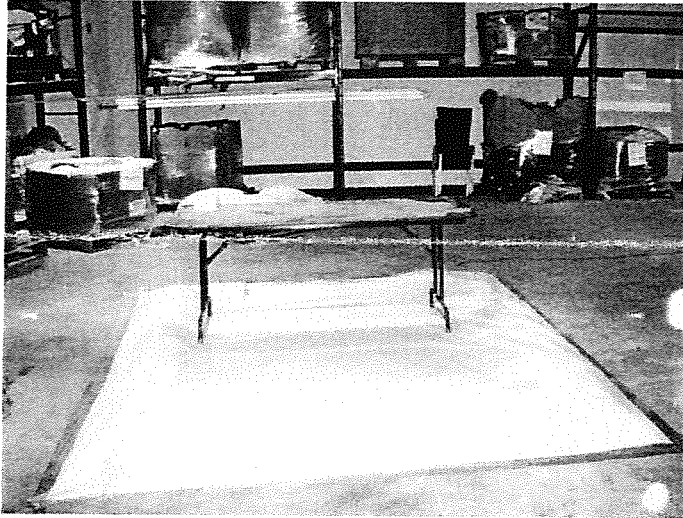
I informed Mr. Pedersen and Mr. Skeans, Wal-Mart representative, that in Missouri, all hazardous waste in storage must be packaged, labeled, and containerized per USDOT regulations. Mr. Pedersen and Mr. Skeans were unaware of the Missouri specific rule. I waited while Mr. Pedersen filled out a hazardous waste marking for one of the cubic yard boxes that the workers had filled. He stated that his company was sending pre-filled out markings overnight but that they had not arrived. In the proper shipping name they listed both 2,4-D and carbaryl. I stated that I was concerned that there was no 2,4-D in the container, only carbaryl. I expressed further concern that although these two wastes will be the largest volume of hazardous waste on site, they will not encompass all the wastes. For instance, this marking would not be appropriate for zinc phosphide or any ignitable hazardous waste. Mr. Pedersen and Mr. Skeans indicated that they will work on the situation.

CB:ml

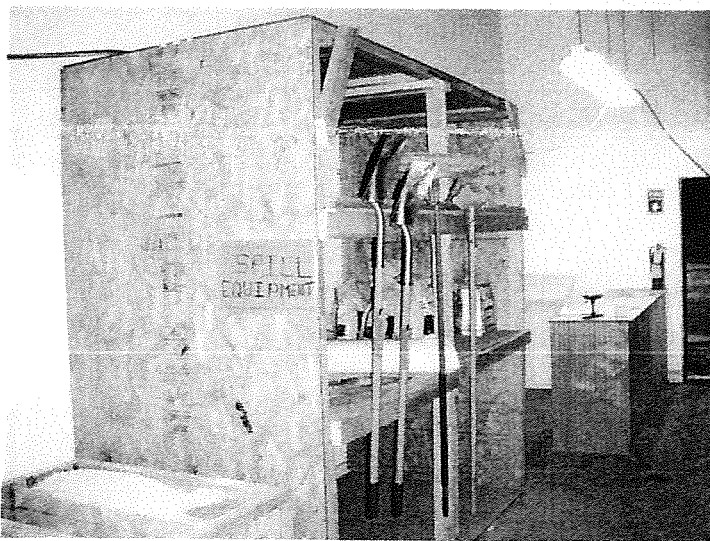
Attachment

- c: Mr. Paul Bailey, Missouri Department of Agriculture,
Bureau of Pesticide
- Ms. Beth Koesterer, U.S. Environmental Protection
Agency, Region 7
- Solid Waste Management Program
- Ms. Mary Jane Wingett, U.S. Environmental Protection
Agency Region 7
- Mr. David Allison, Southwest Regional Office

**Photographs for Site Memo
Greenleaf, L.L.C.
Neosho and Pineville, MO**

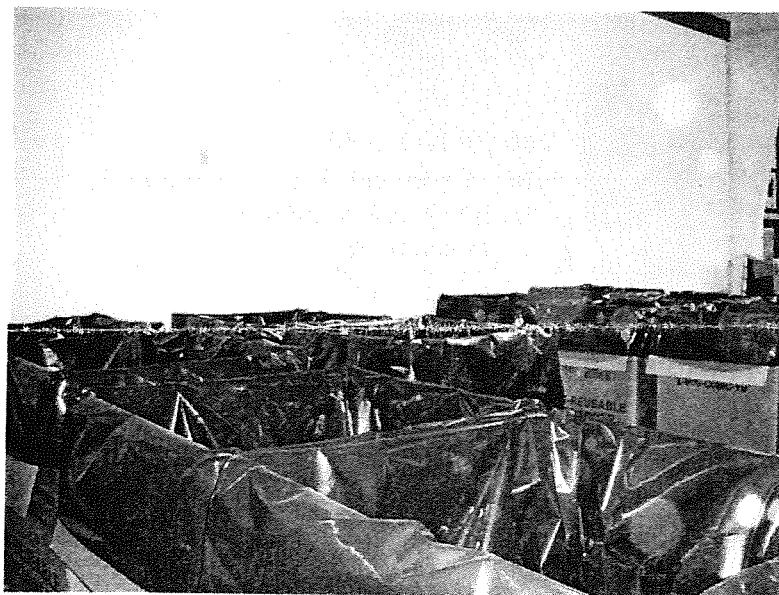


Date: July 9, 2008
Site: Greenleaf, L.L.C., Building 1
EPA ID #MOR000526152
MO ID #042018
13960 Palm Road
Neosho, MO 64850
Photographer: Candace Bias
View of work tables that are bearmed



Date: July 9, 2008
Site: Greenleaf, L.L.C., Building 1
EPA ID #MOR000526152
MO ID #042018
13960 Palm Road
Neosho, MO 64850
Photographer: Candace Bias
View of spill equipment

Photographs for Site Memo
Greenleaf, L.L.C.
Page Two

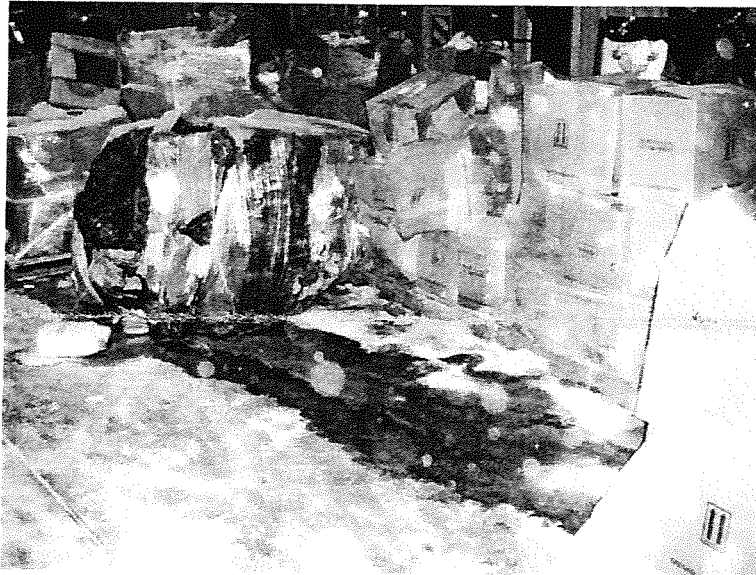


Date: July 9, 2008
Site: Greenleaf, L.L.C., Building 1
EPA ID #MOR000526152
MO ID #042018
13960 Palm Road
Neosho, MO 64850
Photographer: Candace Bias
Empty lined boxes to be used in
the cleanup

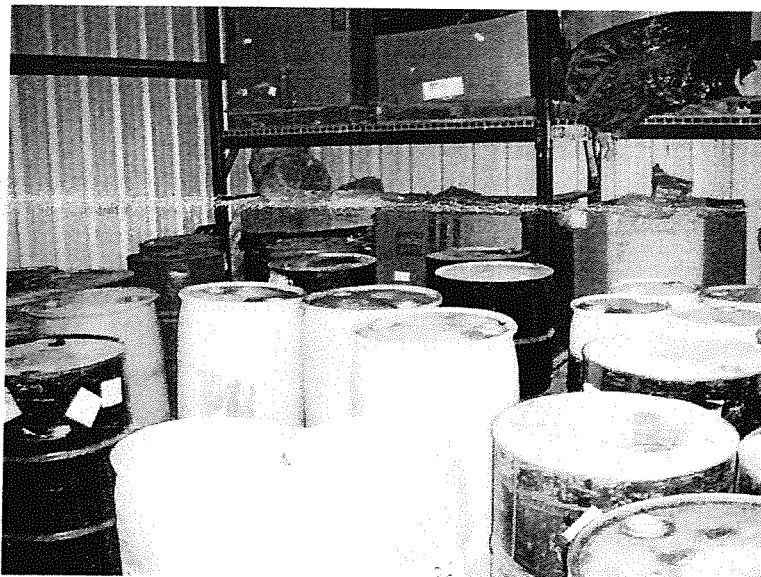


Date: July 9, 2008
Site: Greenleaf, L.L.C., Building 2
EPA ID #MOR000526152
MO ID #042018
13960 Palm Road
Neosho, MO 64850
Photographer: Candace Bias
Inside Building 2

Photographs for Site Memo
Greenleaf, L.L.C.
Page Three



Date: July 9, 2008
Site: Greenleaf, L.L.C., Building 2
EPA ID# MOR000526152
MO ID# 042018
13960 Palm Road
Neosho, MO 64850
Photographer: Candace Bias
Spilled liquid waste inside Building 2



Date: July 9, 2008
Site: Greenleaf, L.L.C., Building 2
EPA ID# MOR000526152
MO ID# 042018
13960 Palm Road
Neosho, MO 64850
Photographer: Candace Bias
Drums of liquid waste in building 2

Photographs for Site Memo
Greenleaf, L.L.C.
Page Four

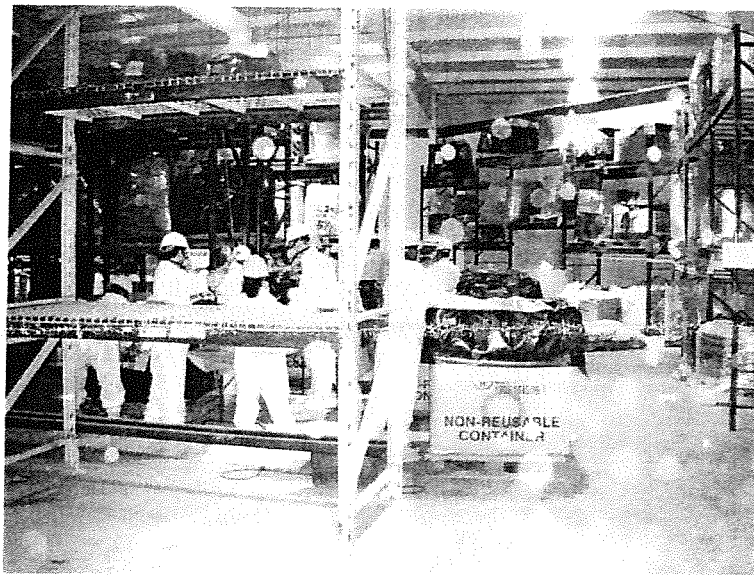


Date: July 9, 2008
Site: Greenleaf, L.L.C., Building 2
EPA ID# MOR000526152
MO ID# 042018
13960 Palm Road
Neosho, MO 64850
Photographer: Candace Bias
Drums of liquid waste in building 2

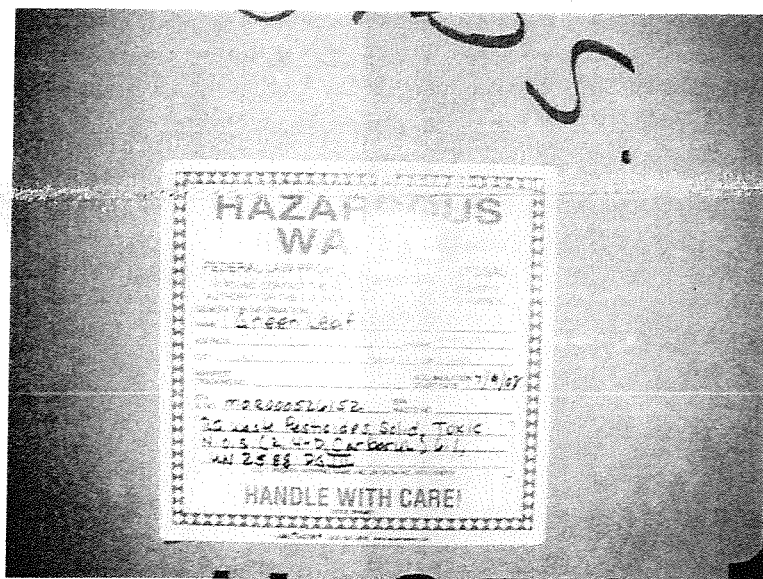


Date: July 9, 2008
Site: Greenleaf, L.L.C., Building 3
EPA ID# MOR000526152
MO ID# 042018
13960 Palm Road
Neosho, MO 64850
Photographer: Candace Bias
Inside Building 3

Photographs for Site Memo
Greenleaf, L.L.C.
Page Six



Date: July 9, 2008
Site: Greenleaf, L.L.C., Building 1
EPA ID# MOR000526152
MO ID# 042018
13960 Palm Road
Neosho, MO 64850
Photographer: Candace Bias
Workers scan bar codes on waste
pesticide for placement in
hazardous or non-hazardous waste
boxes

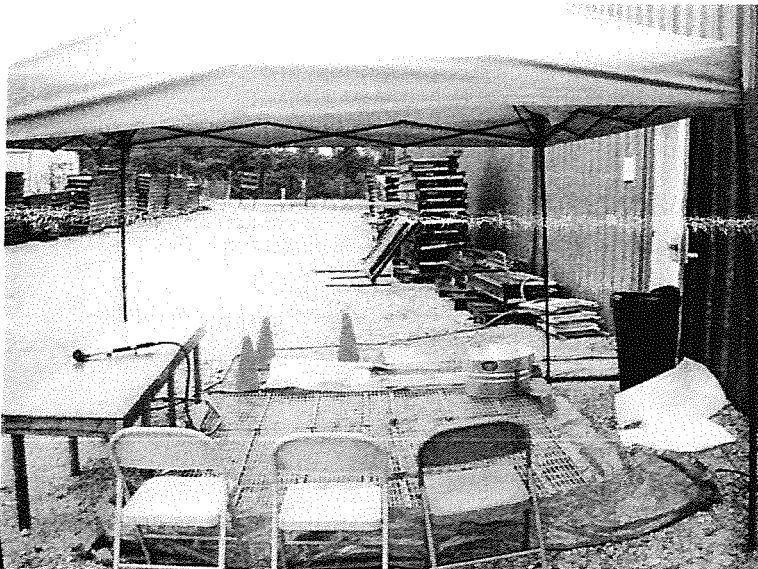


Date: July 9, 2008
Site: Greenleaf, L.L.C., Building 1
EPA ID# MOR000526152
MO ID# 042018
13960 Palm Road
Neosho, MO 64850
Photographer: Candace Bias
Hazardous waste marking on box in
Building 1

Photographs for Site Memo
Greenleaf, L.L.C.
Page Five



Date: July 9, 2008
Site: Greenleaf, L.L.C., Building 3
EPA ID# MOR000526152
MO ID# 042018
13960 Palm Road
Neosho, MO 64850
Photographer: Candace Bias
Inside Building 3



Date: July 9, 2008
Site: Greenleaf, L.L.C., outside
Building 1
EPA ID# MOR000526152
MO ID# 042018
13960 Palm Road
Neosho, MO 64850
Photographer: Candace Bias
Wash area outside Building 1

TOPE Rec'd JUL 09 2008

STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES

Matt Blunt, Governor • Doyle Childers, Director

www.dnr.mo.gov

JUL 07 2008

CERTIFIED MAIL – 7001 2510 0005 3344 2890
RETRUN RECEIPT REQUESTED

Mr. Tom Smith
Greenleaf, L.L.C.
13960 Palm Road
Neosho, MO 64850

NOTICE OF VIOLATION #5586E

Dear Mr. Smith:

On May 15, 2008, representatives of the Missouri Department of Natural Resources' Southwest Regional Office and the department's Hazardous Waste Program, conducted a site visit to evaluate concerns with the management and storage of agricultural chemicals at Greenleaf, L.L.C. (Greenleaf), facilities located at 13960 Palm Road in Neosho, Missouri, and South Business Highway 71 in Pineville, Missouri. As a result of the inspection, violations of Missouri Hazardous Waste Laws and Regulations were identified. Due to violations found at the Pineville facility, Notice of Violation (NOV) #5586E is being issued to Greenleaf. A detailed explanation of the violations identified and the site visit memo are enclosed.

Violations noted previously at Greenleaf's Neosho facility continue, although some improvements in organization at the facility have been made. An NOV for the Neosho facility will not be issued at this time regarding these outstanding violations. The department hopes that the Site Action Plan submitted by EQ Environmental will return the facilities to compliance.

Within 15 days of receipt of this letter, a written response to each violation listed on the enclosed NOV, is to be submitted to the Missouri Department of Natural Resources, Hazardous Waste Program, Compliance and Enforcement Section, P.O. Box 176, Jefferson City, Missouri 65102-0176. The response is to be very specific and provide a detailed account of the actions to be taken or provide the documentation necessary to comply with the required action. The response should also outline what changes have been implemented to ensure that future operations are in compliance with environmental laws and regulations.

Due to the serious nature of the violations identified during the inspection of the Pineville facility, these matters have been referred to the department's Hazardous Waste Program, Compliance and Enforcement Section for evaluation and resolution.

Mr. Tom Smith
Page Two

If you have questions, or wish to discuss what enforcement action may be taken, please contact Ms. Candace Bias by telephone at (573) 751-3465, or by mail at the Missouri Department of Natural Resources, Hazardous Waste Program, Compliance and Enforcement Section, P.O. Box 176, Jefferson City, Missouri 65102-0176. Violations noted previously at Greenleaf's Neosho facility continue, although some improvements in organization at the facility have been made. The department hopes that the Site Action Plan submitted by EQ Environmental will return the facilities to compliance.

Sincerely,

HAZARDOUS WASTE PROGRAM

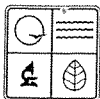


Kathy S. Flippin
Chief
Compliance and Enforcement Section

KSF:cbm

Enclosures

c: Mr. Paul Bailey, Missouri Department of
Agriculture, Bureau of Pesticide
Ms. Beth Koesterer, EPA Region 7
Southwest Regional Office
Ms. Mary Jane Wingett, EPA



STATE OF MISSOURI
MISSOURI DEPARTMENT OF NATURAL RESOURCES

**NOTICE OF VIOLATION PURSUANT TO REQUIREMENTS OF THE MISSOURI
HAZARDOUS WASTE MANAGEMENT LAW, RULES AND REGULATIONS**

FACILITY NAME Greenleaf, L.L.C.		NOTICE OF VIOLATION NUMBER 5586E	
ADDRESS South Business Highway 71	CITY Pineville	STATE MO	ZIP CODE 64856
EPA ID NUMBER NONE	MISSOURI ID NUMBER NONE	DATE OF INSPECTION May 15, 2008	

During an inspection and/or a review of information or documentation completed this date to determine compliance with the requirements of the Missouri Hazardous Waste Management Law, Sections 260.350-260.550, RSMo and/or the Rules and Regulations at 10 CSR 25, the following violations were identified. The 40/49 CFR regulations cited below have been adopted by reference in the Missouri Hazardous Waste Regulations.

CITATION	DESCRIPTION OF VIOLATION
10 Code of State Regulations (CSR) 25-5.262(1) incorporating 40 Code of Federal Regulations (CFR) 262.11	Failure of a generator of a solid waste to determine if that waste is a hazardous waste.
Section 260.390.1(1) Revised Statutes of Missouri (RSMo)	Operation as a treatment/storage or disposal facility without prior approval from the department.
Section 260.380.1(1) RSMo and 10 CSR 25-5.262(2)(A)	Failure to register as a hazardous waste generator.
10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(1) referencing 40 CFR 265.171	Failure to store hazardous waste in containers in good condition.
10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(1) referencing 40 CFR 265.173(a)	Failure to keep containers of hazardous waste closed during storage.
10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(3)	Containers not marked "Hazardous Waste."
10 CSR 25-5.262(2)(C)1	Containers not packaged/labeled/marked per Missouri Department of Transportation (DOT) regulations during entire on site storage period.
10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(2)	Failure to include the beginning date of accumulation on containers of hazardous waste.
10 CSR 25-5.262(2)(C)2.C.(I) and (II) referencing 40 CFR 265.174.	Failure to inspect and maintain the facility weekly.
10 CSR 25-5.262(2)(C)2.C.(II)	Failure to conduct a daily inspection of areas subject to spills, i.e. waste handling areas.
10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(4) referencing 40 CFR 265.35	Failure to provide adequate aisle space.

This information is provided to call your attention to those areas of noncompliance at the earliest possible time. This notice does not constitute a compliance order issued pursuant to Section 260.410, RSMo and may not be a complete listing of all violations which may be identified as a result of this inspection.

The owner/operator is hereby requested to **submit in writing within 15 days of receipt of this notice** a description of all corrective actions taken and/or a schedule for completion of necessary corrective actions to be taken to: Ms. Kathy Flippin, Chief, Hazardous Waste Program, Enforcement Section, Department of Natural Resources, P.O. Box 176, Jefferson City, MO 65102, with a copy to the Southwest Regional Office 2040 West Woodland, Springfield 65807-5912.

If you have any questions about this notice or wish to discuss your response, you may call me at (573) 751-3465.

Signature of Preparer: *Candace Bias* Date: JUL 07 2008
Printed Name of Preparer: Ms. Candace Bias

The undersigned person hereby acknowledges that he/she received a copy of this Notice and has read same.

SIGNATURE (PERSON RECEIVING NOTICE) Copy Sent via Certified Mail 7001 2510 0005 3344 2890	PRINTED NAME (PERSON RECEIVING NOTICE) Mr. Tom Smith, Greenleaf, L.L.C.
TITLE OR POSITION	DATE

HAZARDOUS WASTE VIOLATIONS:

- 1) Failure of a generator of a solid waste to determine if that waste is a hazardous waste; 10 Code of State Regulations (CSR) 25-5.262(1) incorporating 40 Code of Federal Regulations (CFR) 262.11. The facility must use either knowledge of the waste or analytical testing to determine if the waste is hazardous and the correct disposal methods of wastes generated. The following materials are wastes that have not undergone an accurate determination: floor sweepings, spilled materials, aerosol cans, and waste pesticides.
- 2) Operation as a treatment/storage or disposal (TSD) facility without prior approval from the department; Section 260.390(1) Revised Statutes of Missouri (RSMo). Greenleaf in Pineville received hazardous waste (pesticides containing carbaryl, a U279 listed hazardous waste, and pesticides containing zinc phosphide, a U249 listed hazardous waste) from the Greenleaf facility in Neosho. The transfer of pesticides from Neosho to Pineville is operation of a TSD facility without a permit.
- 3) Failure to register as a hazardous waste generator; Section 260.380.1(1) RSMo. and 10 CSR 25-5.262(2)(A). The Missouri Hazardous Waste Management Law and regulations require anyone who generates a regulated quantity of hazardous waste to submit a notification form and to update it when there are changes. The Greenleaf facility in Pineville is a generator of hazardous waste in regulated quantities but is not currently registered as a hazardous waste generator.
- 4) Failure to store hazardous waste in containers in good condition; 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(1) referencing 40 CFR 265.171. If a container is noted to be in poor condition or begins to leak, the contents must be transferred to a container that is in good condition. Numerous boxes of hazardous waste pesticides were damaged and broken, including boxes which held U279 and U249 listed hazardous wastes.
- 5) Failure to keep containers of hazardous waste closed during storage; 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(1) referencing 40 CFR 265.173(a). All waste containers must be closed in such a way as to prevent spillage, minimize volatilization and minimize employee contact with the waste. Containers of Sevin, a pesticide with the sole active ingredient carbaryl (a U279 listed hazardous waste), were not closed. A container of Sweeney's Poison Peanuts Mole and Gopher Bait and Grant's Sure Stop Gopher Killer Pellets, which both contain the sole active ingredient zinc phosphide (a U249 listed hazardous waste), was not closed. This does not meet the definition of closed container.
- 6) Failure to clearly mark containers as hazardous waste; 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(3). The containers of U279 and U249 listed hazardous waste were not marked "Hazardous waste".
- 7) Failure to package/label/mark waste per Missouri Department of Transportation (DOT) regulations during the entire on site storage period; 10 CSR 25-5.262(2)(C)1. The containers of U279 and U249 listed hazardous waste were not labeled per DOT during the entire on site storage period.
- 8) Failure to include the beginning date of accumulation on containers of hazardous waste; 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(2). The beginning date of accumulation must be provided on all containers of hazardous waste during the entire on site storage period. The containers of U279 and U249 listed hazardous waste were not identified with a date of when it was determined to be wastes.

HAZARDOUS WASTE VIOLATIONS:

Page Two

- 9) Failure to inspect and maintain the facility (weekly); 10 CSR 25-5.262(2)(C)2.C.(I) and (II) referencing 40 CFR 265.174. The regulations require that the inspection identify the types of problems that are to be looked for, identify the person making the inspections, a notation of observations and the date of any repairs or remedial actions. Inspections were not done of waste storage areas at Greenleaf.
- 10) Failure to conduct a daily inspection of areas subject to spills, i.e. waste handling areas; 10 CSR 25-5.262(2)(C)2.C.(II). No daily inspections were being conducted and hazardous waste handling areas were not identified. Numerous spills were apparent throughout the facility and were not cleaned up. Spills that were cleaned up were aggregated into large super sacks without regard to the source of the spill.
- 11) Failure to provide adequate aisle space; 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(4) referencing 40 CFR 265.35. Hazardous waste must be stored so that there is adequate aisle space to allow the unobstructed movement of personnel and emergency equipment in and around the containers. The pallets, containers, and boxes were stored in such a manner as to obstruct the movement of personnel and emergency equipment.

SUBMITTED BY:



Candace Bias
Environmental Specialist III
Enforcement Unit
Hazardous Waste Program

CB:ml

**Photographs for Site Memo
Greenleaf, L.L.C.
Neosho and Pineville, MO**



Date: May 11, 2008

Site: Greenleaf, L.L.C., Building 1

MOR000526152 and 042018

13960 Palm Road, Neosho, MO 64850

Photographer: Candace Bias

View of the area behind the show room. Gaylord boxes are stacked three high to the ceiling. The only boxes that could be observed were the ones at eye level.



Date: May 11, 2008

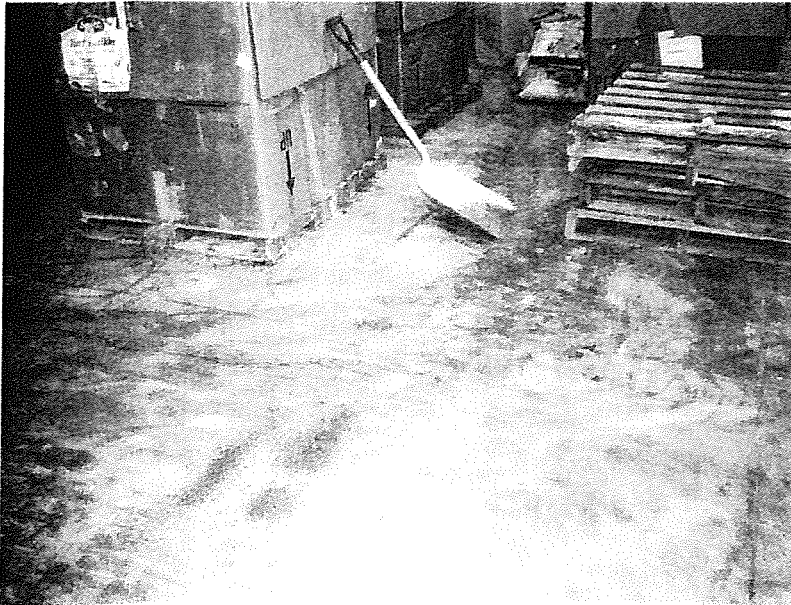
Site: Greenleaf, L.L.C., Building 1

MOR000526152 and 042018

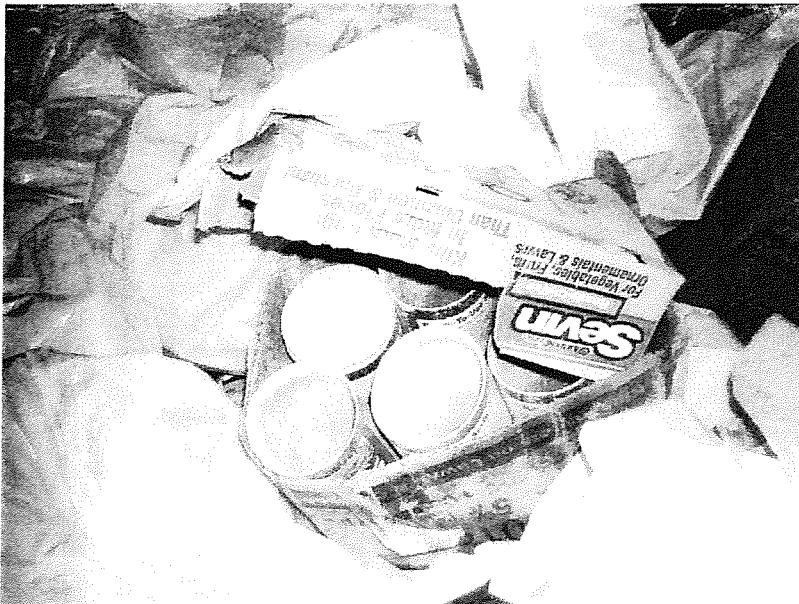
13960 Palm Road, Neosho, MO 64850

Photographer: Candace Bias

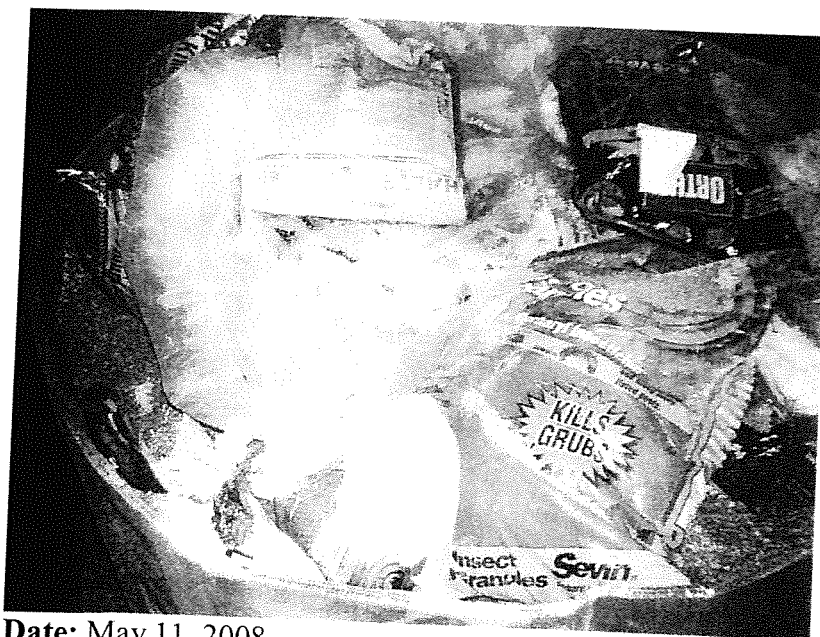
View of spilled pesticide in Building 1.



Date: May 11, 2008
Site: Greenleaf, L.L.C., Building 1
 MOR000526152 and 042018
 13960 Palm Road, Neosho, MO 64850
Photographer: Candace Bias
 View of spills on the floor of Building 1.



Date: May 11, 2008
Site: Greenleaf, L.L.C., Building 1
 MOR000526152 and 042018
 13960 Palm Road, Neosho, MO 64850
Photographer: Candace Bias
 View of the pesticide Sevin, containing the active ingredient carbaryl. Carbaryl is a U279 listed hazardous waste. This hazardous waste is not properly managed.



Date: May 11, 2008

Site: Greenleaf, L.L.C., Building 1

MOR000526152 and 042018

13960 Palm Road, Neosho, MO 64850

Photographer: Candace Bias

View of the pesticide Sevin, containing the active ingredient carbaryl. Carbaryl is a U279 listed hazardous waste. This hazardous waste is not properly managed.



Date: May 11, 2008

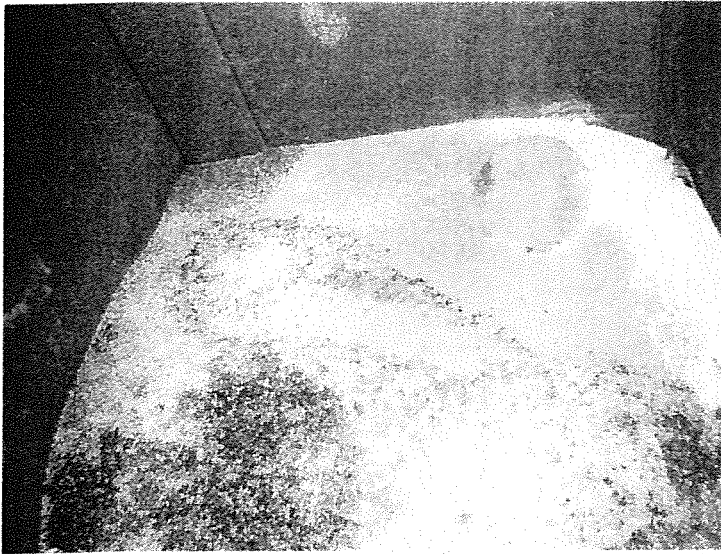
Site: Greenleaf, L.L.C., Building 1

MOR000526152 and 042018

13960 Palm Road, Neosho, MO 64850

Photographer: Candace Bias

View of Stop Sale, Use or Removal pesticides in Building 1.



Date: May 11, 2008

Site: Greenleaf, L.L.C., Building 1
MOR000526152 and 042018
13960 Palm Road, Neosho, MO 64850

Photographer: Candace Bias

View of Stop Sale, Use or Removal pesticides in Building 1. Note the coloration and grain size of the pesticides indicating that it is a mixture from several sources.



Date: May 11, 2008

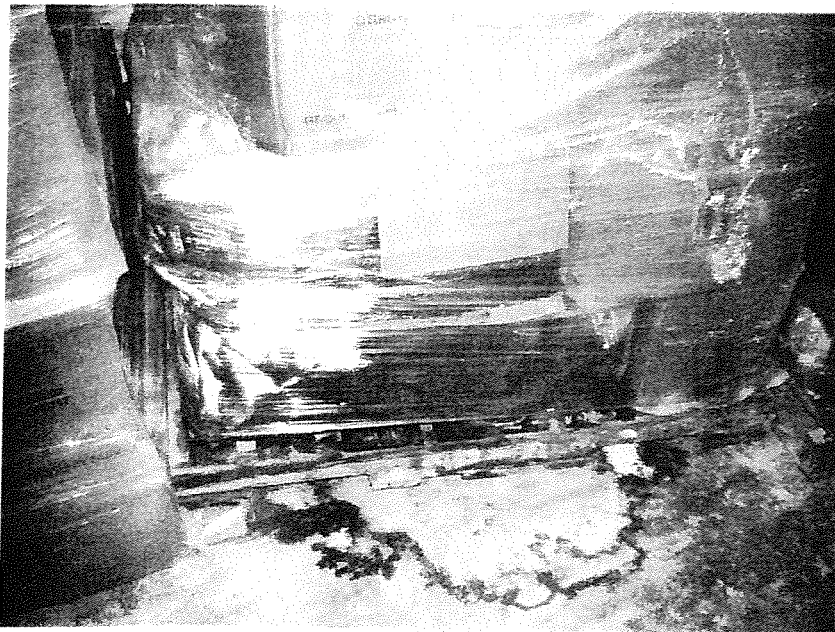
Site: Greenleaf, L.L.C., Building 1
MOR000526152 and 042018
13960 Palm Road, Neosho, MO 64850

Photographer: Candace Bias

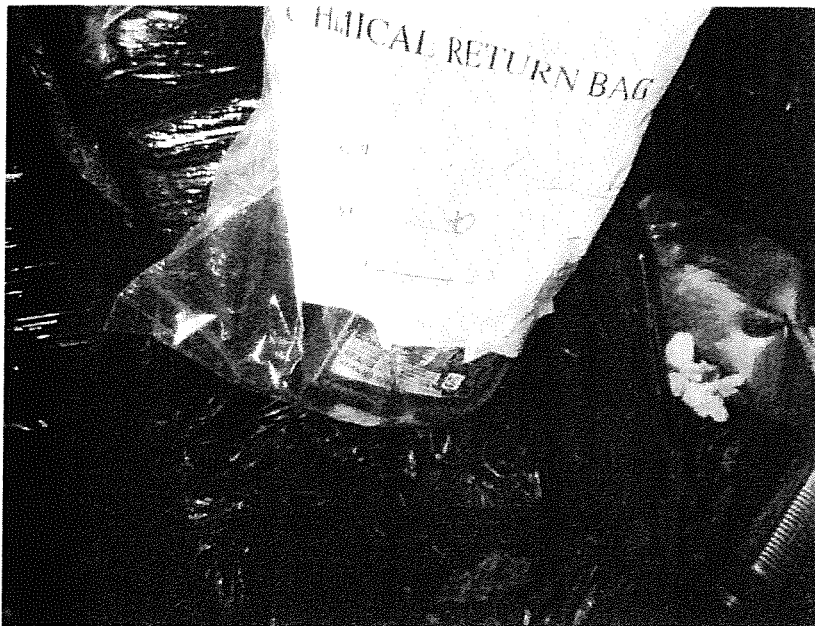
View of Stop Sale, Use or Removal pesticides in Building 1. The dry white powder and labeling as "5% Insect Dust" is consistent with the pesticide Sevin, containing the active ingredient carbaryl. Carbaryl is a U279 listed hazardous waste. This hazardous waste is not properly managed.



Date: May 11, 2008
Site: Greenleaf, L.L.C., Building 2
MOR000526152 and 042018
13960 Palm Road, Neosho, MO 64850
Photographer: Candace Bias
Drums of liquid in Building 2.



Date: May 11, 2008
Site: Greenleaf, L.L.C., Building 2
MOR000526152 and 042018
13960 Palm Road, Neosho, MO 64850
Photographer: Candace Bias
Evidence of spills from the liquid containers in Building 2. Note that the box at the bottom of the pallet is dark brown due to liquids soaking the box.



Date: May 11, 2008

Site: Greenleaf, L.L.C., Building 2

MOR000526152 and 042018

13960 Palm Road, Neosho, MO 64850

Photographer: Candace Bias

View of liquid pesticide in Building 2. Note that it is leaking and the bag is wet.



Date: May 11, 2008

Site: Greenleaf, L.L.C., Building 2

MOR000526152 and 042018

13960 Palm Road, Neosho, MO 64850

Photographer: Candace Bias

View aerosol cans in Building 2.



Date: May 11, 2008

Site: Greenleaf, L.L.C., Building 2

MOR000526152 and 042018

13960 Palm Road, Neosho, MO 64850

Photographer: Candace Bias

View of dry spill on west side of Building 2. The dry white powder next to a bag of Sevin is likely Sevin pesticide, which is a listed hazardous waste when disposed.



Date: May 11, 2008

Site: Greenleaf, L.L.C., Building 2

MOR000526152 and 042018

13960 Palm Road, Neosho, MO 64850

Photographer: Candace Bias

View of boxes labeled "Free Pest" on the west side of Building 2. Note the inadequate aisle space.



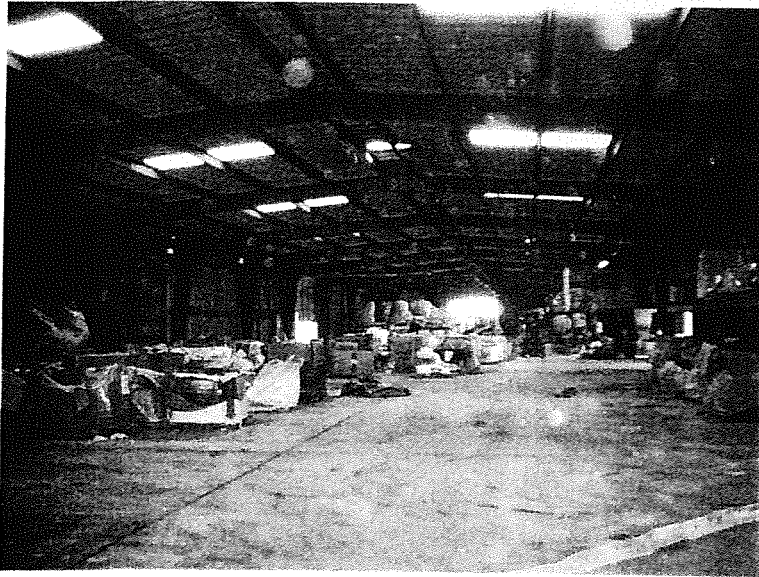
Date: May 11, 2008

Site: Greenleaf, L.L.C.,
MOR000526152 and 042018
13960 Palm Road, Neosho, MO 64850

Photographer: Candace Bias

View of trailer in parking lot that contains pesticides removed from Building 2.

Greenleaf, Pineville



Date: May 11, 2008

Site: Greenleaf, L.L.C.

South Business Highway 71

Pineville, Missouri

Photographer: Candace Bias

Overview of the facility.



Date: May 11, 2008

Site: Greenleaf, L.L.C.

South Business Highway 71

Pineville, Missouri

Photographer: Candace Bias

Overview of pesticide area. Note the damaged boxes and lack of organization.



Date: May 11, 2008

Site: Greenleaf, L.L.C.

South Business Highway 71

Pineville, Missouri

Photographer: Candace Bias

View of Sweeney's Poison Peanuts Mole and Gopher Bait and Grant's Sure Stop Gopher Killer Pellets. Both pesticides contain the active ingredient zinc phosphide, a U249 listed hazardous waste at this concentration. This hazardous waste is not properly managed. Zinc phosphide can also produce gas that is dangerous to humans if it becomes wet.



Date: May 11, 2008

Site: Greenleaf, L.L.C.

South Business Highway 71

Pineville, Missouri

Photographer: Candace Bias

View of spills.



Date: May 11, 2008

Site: Greenleaf, L.L.C.

South Business Highway 71

Pineville, Missouri

Photographer: Candace Bias

View of spills and the mixing of pesticides in boxes.



Date: May 11, 2008

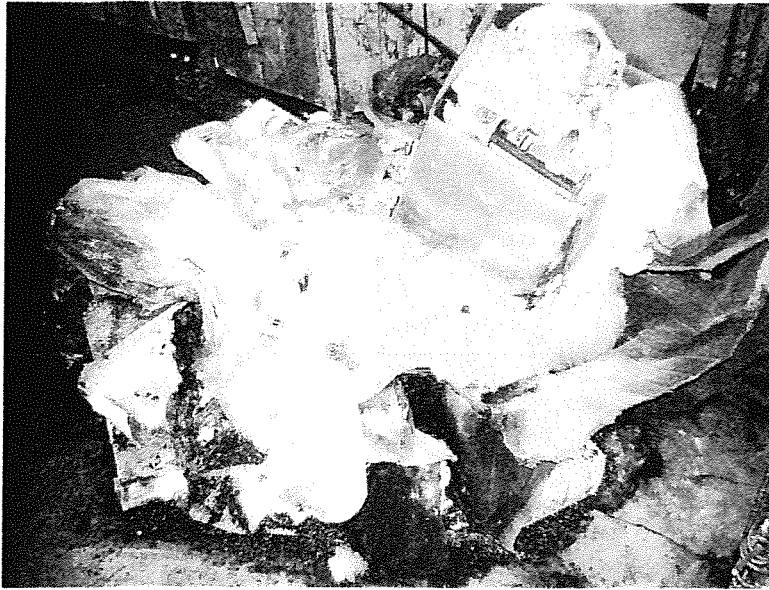
Site: Greenleaf, L.L.C.

South Business Highway 71

Pineville, Missouri

Photographer: Candace Bias

View of spills and mixing of pesticides in boxes.



Date: May 11, 2008

Site: Greenleaf, L.L.C.

South Business Highway 71

Pineville, Missouri

Photographer: Candace Bias

View of spills and box in poor condition due to exposure to the elements.



Date: May 11, 2008

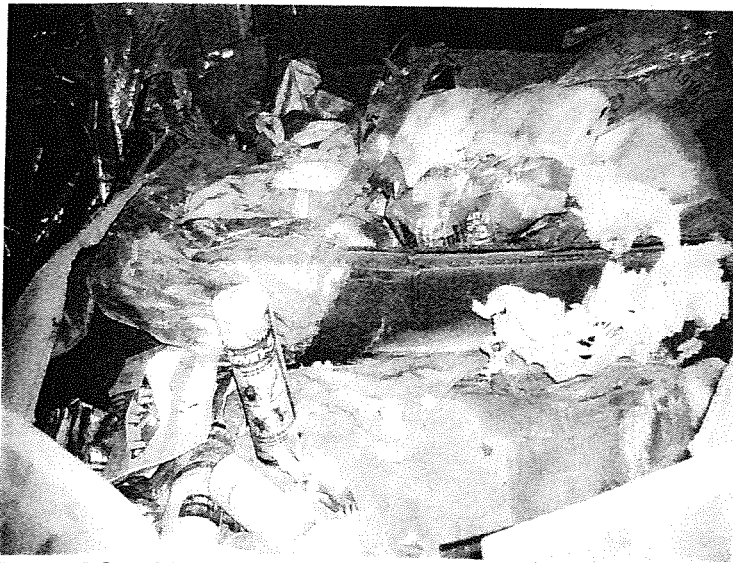
Site: Greenleaf, L.L.C.

South Business Highway 71

Pineville, Missouri

Photographer: Candace Bias

View of spills and box in poor condition due to exposure to the elements.



Date: May 11, 2008

Site: Greenleaf, L.L.C.

South Business Highway 71

Pineville, Missouri

Photographer: Candace Bias

View of the pesticide Sevin, containing the active ingredient carbaryl. Carbaryl is a U279 listed hazardous waste. This hazardous waste is not properly managed.



Date: May 11, 2008

Site: Greenleaf, L.L.C.

South Business Highway 71

Pineville, Missouri

Photographer: Candace Bias

View of the pesticide Sevin, containing the active ingredient carbaryl. Carbaryl is a U279 listed hazardous waste. This hazardous waste is not properly managed.



Date: May 11, 2008

Site: Greenleaf, L.L.C.

South Business Highway 71

Pineville, Missouri

Photographer: Candace Bias

View of floor sweepings.


STATE OF MISSOURI Matt Blunt, Governor • Doyle Childers, Director
DEPARTMENT OF NATURAL RESOURCES

www.dnr.mo.gov

MEMORANDUM

DATE: JUN 30 2008

TO: Hazardous Waste Enforcement File
Greenleaf, L.L.C.
Neosho, Missouri
EPA #MOR000526152

FROM: Candace Bias 
Hazardous Waste Enforcement Unit
Hazardous Waste Program

SUBJECT: Site Visit – Greenleaf, L.L.C.
Neosho, Newton County, Missouri

TOPE Rec'd JUL 02 2008

On May 11, 2008, Mr. David Allison of the Missouri Department of Natural Resources' Southwest Regional Office and I visited Greenleaf, L.L.C. (Greenleaf), located at 13960 Palm Road in Neosho, Missouri. On April 21 – 22, 2008, the Missouri Department of Agriculture (MDA) inspected both Greenleaf facilities. MDA could not locate ten of the pesticides that had been placed under a Stop Sale, Use, or Removal Order (SSURO) during their last inspection and Greenleaf had started operating at their Pineville location. Due to the changing conditions, the department decided to visit the site.

We spoke with Mr. Ralph Kunz, Plant Manager, and explained that the purpose of our visit was to evaluate Greenleaf's current compliance with hazardous waste laws and regulations. Mr. Kunz explained that he began working for Greenleaf on February 18, 2008. We walked around the showroom and the area behind the showroom of Building 1 (see photograph). It seemed to be in much better order than our last visit and there was less stored in the building. Gaylord boxes were stacked three high to the ceiling on shelving units. There was adequate aisle space to observe boxes at eye level. In multiple boxes I observed pesticide spills and the mixing of spilled pesticides. Many of the boxes contained Sevin insecticide which has the active ingredient carbaryl. I also identified canisters of Sevin that had spilled during storage and were empty. Carbaryl is a U279 listed hazardous waste. These wastes were not properly managed, labeled, or containerized as a hazardous waste. I also observed some dry spills on the floor and shelving (see photographs).

Next we went into the pesticide production room of Building 1. The SSURO items had been moved from the back of the show room to the pesticide production room in Building 1. The pesticides were marked and cordoned off with tape. I asked Mr. Kunz if he had found the SSURO pesticides that were discovered missing during the last MDA inspection. He attributed their disappearance to the fact that the SSURO pesticides had been moved multiple times. Mr. Kunz thought that they were still on site but he was waiting for a list of the items from the MDA. The Gaylord boxes containing pesticides that were under the SSURO appeared to be from

more than one source. Because a single specific pesticide source could not be identified for each box, prior to disposal the waste would need to be characterized by testing rather than generator knowledge. The large bins of granular material that were under the SSURO were still present; however the two fertilizer bins not under a SSURO were now empty. Spills of dry, granular material on the floor and on pallets were also common (see photographs).

We then headed to Building 2. The 55-gallon drums of liquid had been moved to the northeast corner of the building. One of the drums was labeled with black marker, "Ready to Use" and another drum was labeled, "Weed Killer." I could not visually inspect every 55-gallon drum due to inadequate aisle space. There were several boxes of small liquid containers near the drums. Many of the containers appeared damaged. A few of the leaking containers had been placed in zipper type plastic bags (see photographs).

Nearby there were aerosol cans in boxes along with liquid containers. I observed that many of the aerosol cans were missing their spray caps or felt empty (see photographs). Mr. Kunz informed us that more liquid containers had been stored outside in a trailer. I then walked through the rest of Building 2. The west side of the building was packed and did not have adequate aisle space to do a proper inspection. Most of the items on the west side of the building appeared to be dry, bagged pesticides. Spills had not been cleaned up (see photographs). Along the west wall of Building 2 I observed three Gaylord boxes that had been spray painted with the words "FREE PEST" (see photograph). It was evident that the boxes had been labeled by Greenleaf because similar writing appeared on boxes in Building 1 placed under the SSURO. Mr. Kunz did not know why they had been labeled that way.

We then walked through Building 3 and viewed the debagging of potting soil at the far west of the property. The items in Building 3 appeared to be mostly potting soil and charcoal. I observed one bag of pesticides on a pallet. Mr. Kunz stated that they had tried to remove all the pesticides from the building. The dumpster in the building did not contain pesticides.

Finally, we looked at the items stored in the storage trailer. The boxes were in disarray and there was no aisle space (see photograph). We did not enter the trailer and were unable to visually observe its contents. Mr. Kunz told us that they had moved these items into the trailer to relieve some of the congestion in Building 2.

Pineville

Mr. Allison and I continued to the Greenleaf facility located at South Business Highway 71, Pineville, Missouri. We met with Mr. Robert Applegarth in his office. Mr. Applegarth now works solely at the Pineville facility. When asked, he told us that they have four fulltime workers. He stated that all the material they have on site came from the Neosho facility. He informed us that the bagging equipment was now operational. He plans to start bagging potting soil and charcoal once the bags ordered from Triple S Solutions arrive. Greenleaf's Pineville location ordered 10,000 bags for charcoal and 10,000 bags for potting soil with the Greenleaf name. The bagged items were to be sold at gas stations.

Mr. Applegarth stated that no pesticide production is done at the facility. He explained that they remove fertilizers, potting soil, and charcoal from the Gaylord boxes and leave the rest. They then manage the items they removed from the boxes for re-bagging and resale.

Hazardous Waste Enforcement File
Greenleaf, L.L.C.
EPA ID #MOR000526152
Page Three

Next we entered the operations area of the warehouse. A strong smell of ammonia was emanating from the southwest corner of the building. Mr. Applegarth speculated that the smell was the result of fertilizer getting wet. He told us that the MDA inspectors had informed him that one of the pesticides for killing moles would produce a hazardous gas if it became wet. I identified two pesticides that had zinc phosphide as the sole active ingredient, *Sweeney's Poison Peanuts Mole and Gopher Bait* and *Grant's Sure Stop Gopher Killer Pellets* (see photograph). Zinc phosphide is a U249 listed hazardous waste. These wastes were not properly managed, labeled, or containerized as a hazardous waste.

Employees in the warehouse were sorting the contents of Gaylord boxes. The warehouse appeared to be loosely organized, with pesticides haphazardly segregated in the southwest corner of the building. Spilled materials were everywhere (see photographs). Boxes and their contents were in poor, deteriorated condition due to previous exposure to the outside elements (see photographs).

At several locations, I identified dry *Garden Tech's Sevin-5* in both the bag and canister (see photographs). Sevin is a pesticide that contains carbaryl as the sole active ingredient. Carbaryl is a listed hazardous waste. These wastes were not properly managed, labeled, or containerized as a hazardous waste.

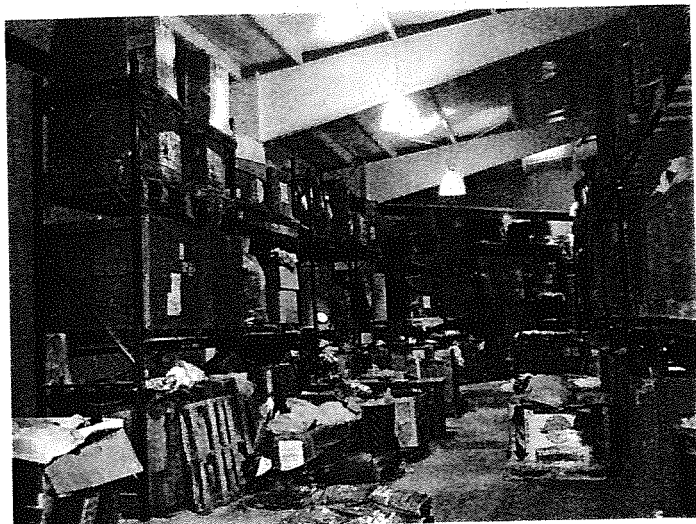
Mr. Applegarth told us that employees sweep all floor sweepings into large super sacks. He estimated that they have four or five super sacks with floor sweepings already. The floor sweepings that I observed were not homogeneous and appeared to be from multiple sources (see photograph).

CB:ml

Attachment

- c: Mr. Paul Bailey, Missouri Department of Agriculture,
Bureau of Pesticide
Hazardous Waste Program, Enforcement Unit
Ms. Beth Koesterer, U.S. Environmental Protection
Agency, Region 7
Solid Waste Management Program
Ms. Mary Jane Wingett, U.S. Environmental Protection
Agency Region 7

**Photographs for Site Memo
Greenleaf, L.L.C.
Neosho and Pineville, MO**



Date: May 11, 2008

Site: Greenleaf, L.L.C., Building 1

MOR000526152 and 042018

13960 Palm Road, Neosho, MO 64850

Photographer: Candace Bias

View of the area behind the show room. Gaylord boxes are stacked three high to the ceiling. The only boxes that could be observed were the ones at eye level.



Date: May 11, 2008

Site: Greenleaf, L.L.C., Building 1

MOR000526152 and 042018

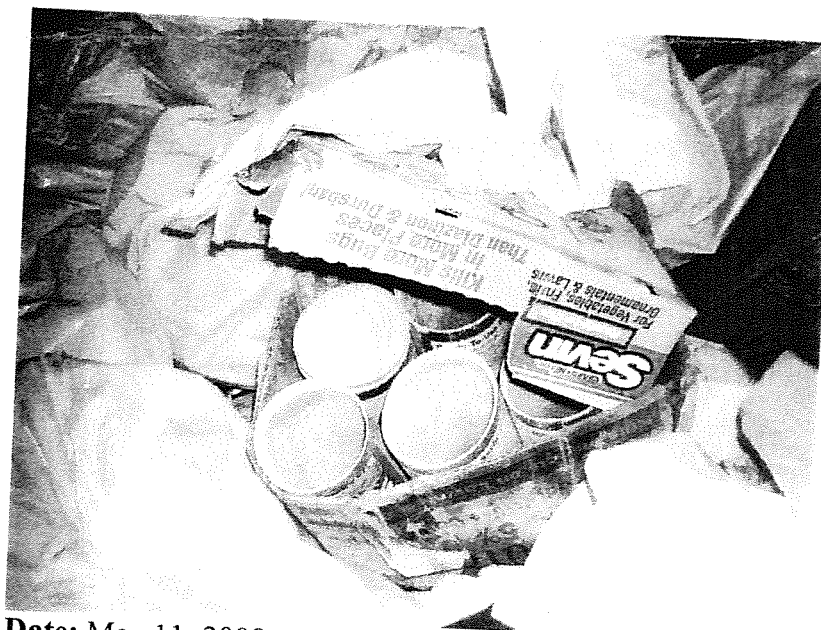
13960 Palm Road, Neosho, MO 64850

Photographer: Candace Bias

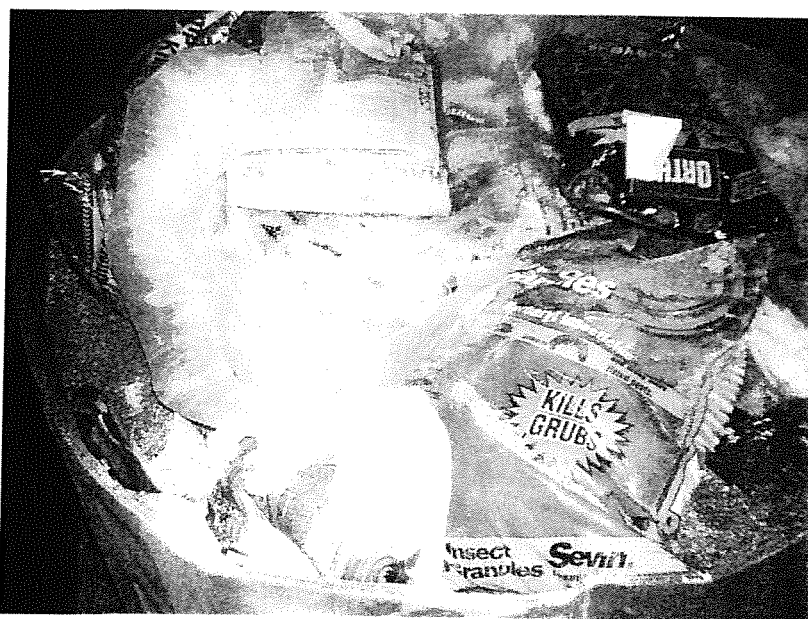
View of spilled pesticide in Building 1.



Date: May 11, 2008
Site: Greenleaf, L.L.C., Building 1
 MOR000526152 and 042018
 13960 Palm Road, Neosho, MO 64850
Photographer: Candace Bias
 View of spills on the floor of Building 1.



Date: May 11, 2008
Site: Greenleaf, L.L.C., Building 1
 MOR000526152 and 042018
 13960 Palm Road, Neosho, MO 64850
Photographer: Candace Bias
 View of the pesticide Sevin, containing the active ingredient carbaryl. Carbaryl is a U279 listed hazardous waste. This hazardous waste is not properly managed.



Date: May 11, 2008

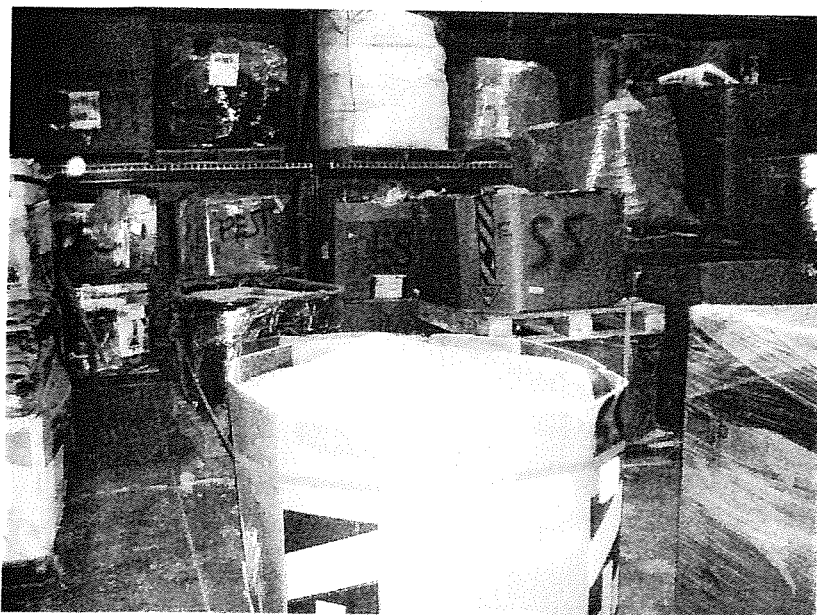
Site: Greenleaf, L.L.C., Building 1

MOR000526152 and 042018

13960 Palm Road, Neosho, MO 64850

Photographer: Candace Bias

View of the pesticide Sevin, containing the active ingredient carbaryl. Carbaryl is a U279 listed hazardous waste. This hazardous waste is not properly managed.



Date: May 11, 2008

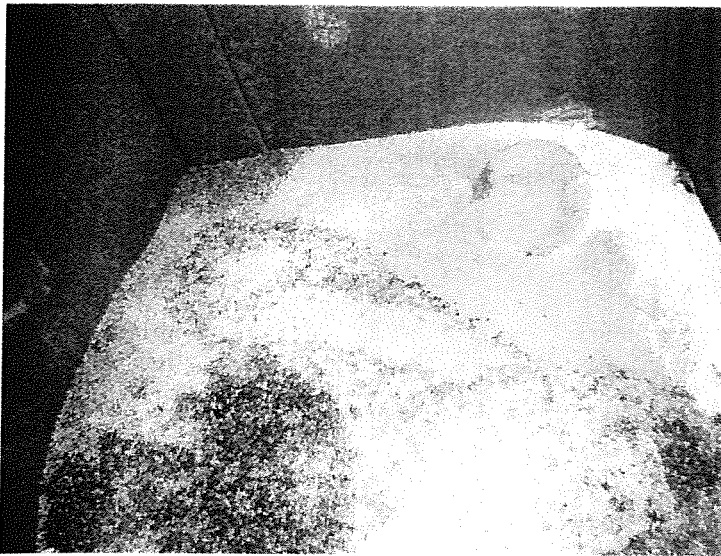
Site: Greenleaf, L.L.C., Building 1

MOR000526152 and 042018

13960 Palm Road, Neosho, MO 64850

Photographer: Candace Bias

View of Stop Sale, Use or Removal pesticides in Building 1.



Date: May 11, 2008

Site: Greenleaf, L.L.C., Building 1

MOR000526152 and 042018

13960 Palm Road, Neosho, MO 64850

Photographer: Candace Bias

View of Stop Sale, Use or Removal pesticides in Building 1. Note the coloration and grain size of the pesticides indicating that it is a mixture from several sources.



Date: May 11, 2008

Site: Greenleaf, L.L.C., Building 1

MOR000526152 and 042018

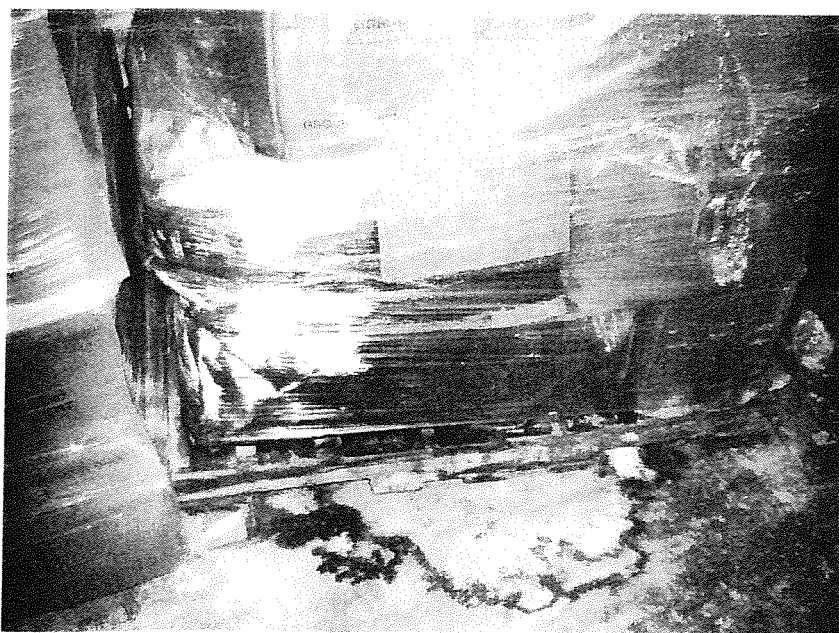
13960 Palm Road, Neosho, MO 64850

Photographer: Candace Bias

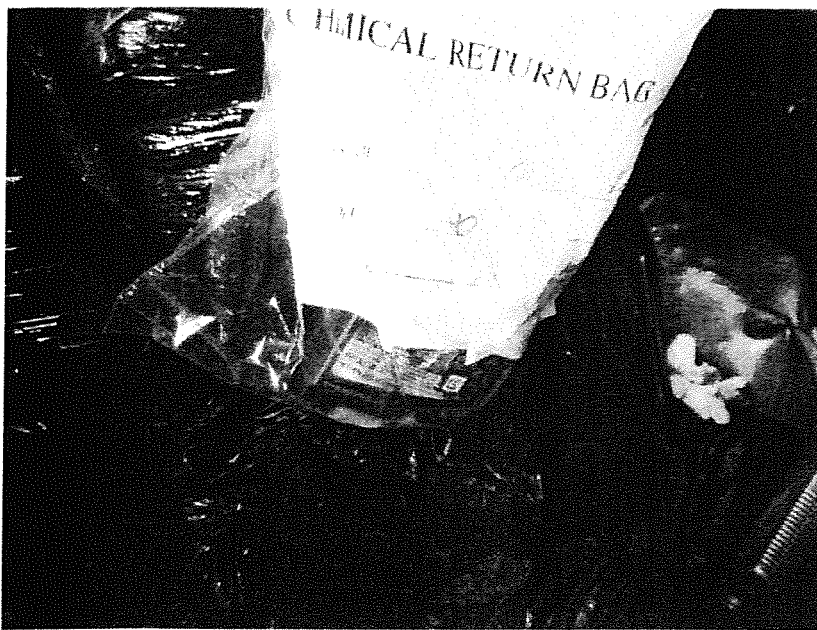
View of Stop Sale, Use or Removal pesticides in Building 1. The dry white powder and labeling as "5% Insect Dust" is consistent with the pesticide Sevin, containing the active ingredient carbaryl. Carbaryl is a U279 listed hazardous waste. This hazardous waste is not properly managed.



Date: May 11, 2008
Site: Greenleaf, L.L.C., Building 2
 MOR000526152 and 042018
 13960 Palm Road, Neosho, MO 64850
Photographer: Candace Bias
 Drums of liquid in Building 2.



Date: May 11, 2008
Site: Greenleaf, L.L.C., Building 2
 MOR000526152 and 042018
 13960 Palm Road, Neosho, MO 64850
Photographer: Candace Bias
 Evidence of spills from the liquid containers in Building 2. Note that the box at the bottom of the pallet is dark brown due to liquids soaking the box.



Date: May 11, 2008

Site: Greenleaf, L.L.C., Building 2

MOR000526152 and 042018

13960 Palm Road, Neosho, MO 64850

Photographer: Candace Bias

View of liquid pesticide in Building 2. Note that it is leaking and the bag is wet.



Date: May 11, 2008

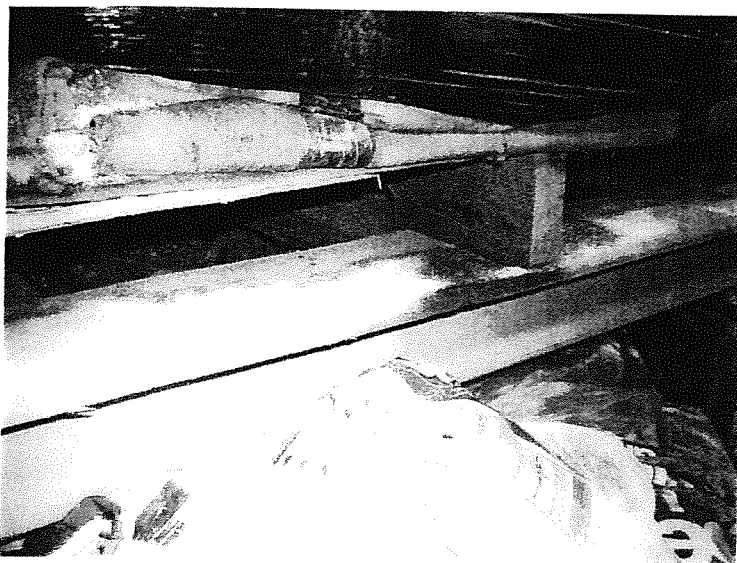
Site: Greenleaf, L.L.C., Building 2

MOR000526152 and 042018

13960 Palm Road, Neosho, MO 64850

Photographer: Candace Bias

View aerosol cans in Building 2.



Date: May 11, 2008

Site: Greenleaf, L.L.C., Building 2

MOR000526152 and 042018

13960 Palm Road, Neosho, MO 64850

Photographer: Candace Bias

View of dry spill on west side of Building 2. The dry white powder next to a bag of Sevin is likely Sevin pesticide, which is a listed hazardous waste when disposed.



Date: May 11, 2008

Site: Greenleaf, L.L.C., Building 2

MOR000526152 and 042018

13960 Palm Road, Neosho, MO 64850

Photographer: Candace Bias

View of boxes labeled "Free Pest" on the west side of Building 2. Note the inadequate aisle space.



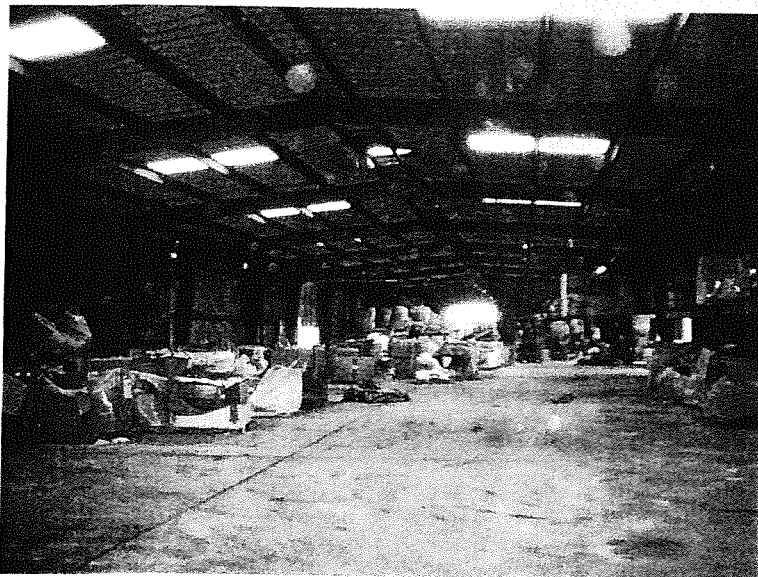
Date: May 11, 2008

Site: Greenleaf, L.L.C.,
MOR000526152 and 042018
13960 Palm Road, Neosho, MO 64850

Photographer: Candace Bias

View of trailer in parking lot that contains pesticides removed from Building 2.

Greenleaf, Pineville



Date: May 11, 2008

Site: Greenleaf, L.L.C.

South Business Highway 71

Pineville, Missouri

Photographer: Candace Bias

Overview of the facility.



Date: May 11, 2008

Site: Greenleaf, L.L.C.

South Business Highway 71

Pineville, Missouri

Photographer: Candace Bias

Overview of pesticide area. Note the damaged boxes and lack of organization.



Date: May 11, 2008

Site: Greenleaf, L.L.C.

South Business Highway 71

Pineville, Missouri

Photographer: Candace Bias

View of Sweeney's Poison Peanuts Mole and Gopher Bait and Grant's Sure Stop Gopher Killer Pellets. Both pesticides contain the active ingredient zinc phosphide, a U249 listed hazardous waste at this concentration. This hazardous waste is not properly managed. Zinc phosphide can also produce gas that is dangerous to humans if it becomes wet.



Date: May 11, 2008

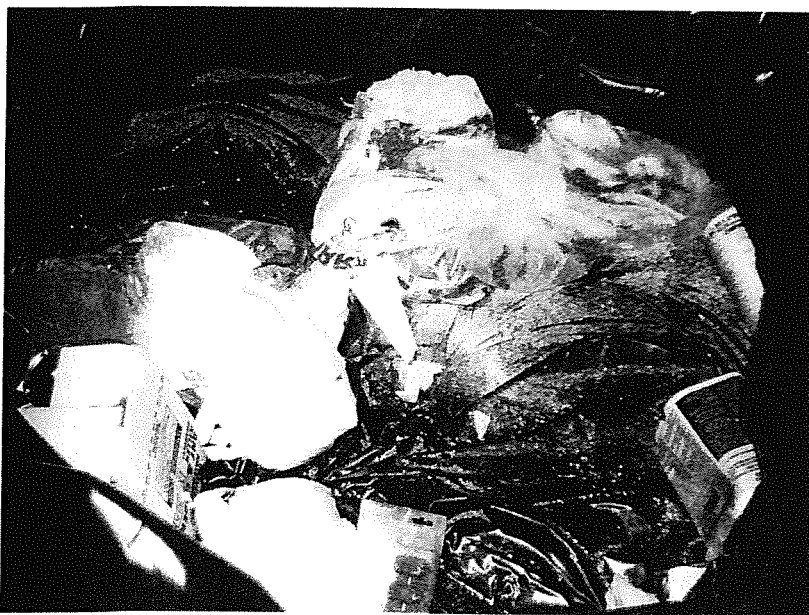
Site: Greenleaf, L.L.C.

South Business Highway 71

Pineville, Missouri

Photographer: Candace Bias

View of spills.



Date: May 11, 2008

Site: Greenleaf, L.L.C.

South Business Highway 71

Pineville, Missouri

Photographer: Candace Bias

View of spills and the mixing of pesticides in boxes.



Date: May 11, 2008

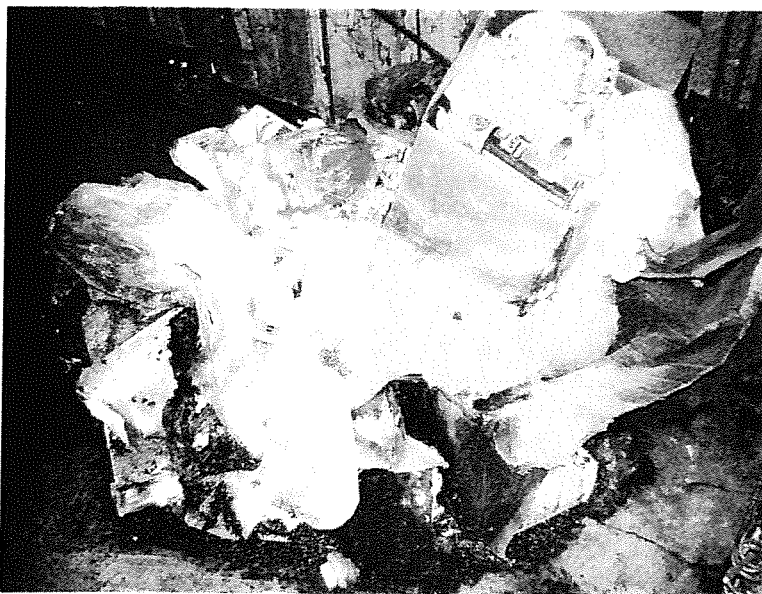
Site: Greenleaf, L.L.C.

South Business Highway 71

Pineville, Missouri

Photographer: Candace Bias

View of spills and mixing of pesticides in boxes.



Date: May 11, 2008

Site: Greenleaf, L.L.C.
South Business Highway 71
Pineville, Missouri

Photographer: Candace Bias

View of spills and box in poor condition due to exposure to the elements.



Date: May 11, 2008

Site: Greenleaf, L.L.C.
South Business Highway 71
Pineville, Missouri

Photographer: Candace Bias

View of spills and box in poor condition due to exposure to the elements.



Date: May 11, 2008

Site: Greenleaf, L.L.C.

South Business Highway 71

Pineville, Missouri

Photographer: Candace Bias

View of the pesticide Sevin, containing the active ingredient carbaryl. Carbaryl is a U279 listed hazardous waste. This hazardous waste is not properly managed.



Date: May 11, 2008

Site: Greenleaf, L.L.C.

South Business Highway 71

Pineville, Missouri

Photographer: Candace Bias

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Date: May 11, 2008

Site: Greenleaf, L.L.C.

South Business Highway 71

Pineville, Missouri

Photographer: Candace Bias

View of floor sweepings.

TOPE Rec'd MAY 19 2008



Matt Blunt, Governor • Doyle Childers, Director

DEPARTMENT OF NATURAL RESOURCES

www.dnr.mo.gov

MAY 16 2008

Mr. Bill Williams
WalMart Return Center #9194
3220 Avondale Mill Road
Macon, GA 31216-7650

Dear Mr. Williams:

Enclosed is Notice of Violation (NOV) #5576 issued to Wal-Mart Corporation for violations of the Missouri Hazardous Waste Laws and Regulations. The NOV was issued as a result of an inspection of an improperly operated pesticide recycling facility named Greenleaf L.L.C., located in Neosho, Missouri. Please review the enclosed information and be aware that recycling is not exempt from environmental regulation. This letter is to notify you of the violations, no response is necessary from your facility. A unified response from Wal-Mart Corporate Headquarters has been received.

If you have questions, you can contact me by telephone at (573) 751-3465 or in writing at the Missouri Department of Natural Resources, Hazardous Waste Program, Compliance and Enforcement Section, P.O. Box 176, Jefferson City, Missouri 65102-0176.

Sincerely,

HAZARDOUS WASTE PROGRAM

A handwritten signature in cursive script, reading "Candace Bias", is written over the typed name.

Candace Bias
Environmental Specialist
Hazardous Waste Enforcement Unit

CB:ml

Enclosure

c: Ms. Akilah Nicks, Environmental Protection Agency
Mr. Paul Bailey, Missouri Department of Agriculture
Ms. Beth Koesterer, Environmental Protection Agency



Recycled Paper



Matt Blunt, Governor • Doyle Childers, Director

DEPARTMENT OF NATURAL RESOURCES

www.dnr.mo.gov

MAY 16 2008

Mr. Shawn Morgan
WalMart Return Center
3333 North Franklin Road
Indianapolis, IN 46226-6314

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Sincerely,

HAZARDOUS WASTE PROGRAM

A handwritten signature in cursive script, reading "Candace Bias", is written over the typed name.

Candace Bias
Environmental Specialist
Hazardous Waste Enforcement Unit

CB:ml

Enclosure

c: Ms. Akilah Nicks, Environmental Protection Agency
Mr. Paul Bailey, Missouri Department of Agriculture
Ms. Beth Koesterer, Environmental Protection Agency



Recycled Paper